No.

In the Supreme Court of the United States

CAROLYN SIOUX GREEN,

Petitioner,

v.

STATE OF WASHINGTON, DEPARTMENT OF SOCIAL & HEALTH SERVICES (DSHS), ET AL.,

Respondents

ON PETITION FOR A WRIT OF CERTIORARI
to the Washington State Supreme Court

PETITION FOR WRIT OF CERIORARI

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QUESTIONS PRESENTED

1. Should the doctrine of equitable tolling be applied to a case of which the central concern is a violation of the constitutional right to due process beginning with the lack of legal representation in a civil commitment hearing and leading to the unlawful incarceration and chemical lobotomy of a competent individual to ensure that the individual has a fair opportunity to seek legal redress for the violations they endured and the resulting harm?

2. Would it be just, fair, and equitable to examine the application of the doctrine of equitable tolling in a case where substantial evidence reveals perjury, bad faith, gross negligence, deception, falsification of court and medical records, and fraud, including Medicaid fraud, in order to decide whether equitable tolling should be allowed to extend the statute of limitations?

3. Is it just and equitable to examine whether the State can use the statute of limitations to prevent suit over the course of this case, the State has been allowed to violate numerous United States Constitutional rights, Federal laws, and State laws, especially given the presence of unconscious bias in prior rulings and the resulting severe harm?

4. Should this Court consider the conflicting federal rulings in the United States District Court for the Western District of Washington at Seattle (WAWD), where the court allowed a defendant in a related case to remove a case from the superior court to the federal district court under 28 U.S.C. § 1331–which grants the federal district courts with original jurisdiction over civil actions that arise under federal law, while denying the same removal right to the plaintiff citing 28 U.S.C. § 1441–outlines the provisions for the removal when the case involves federal jurisdiction, which is claimed to only grant defendants the right to remove a case? Put in a different form. Is it just to permit only defendants removal of civil actions to the original federal court jurisdiction yet plaintiff's are not permitted the same removal rights.

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RELATED CASES

1) *See* **App P**: *Petitioner had Standing.*

a) Washington State Supreme Court Case #100839-2, and 101455-4. Washington State Supreme Court Case #100689-6 determined indigency.

b) COURT OF APPEALS Division-II Case No. 55790-8-II,

c) Pierce County Superior Court Case No. 20-2-07851-0 and 20-2-07852-8. Petitioner, who is not an attorney, did not understand Western State Hospital was run and owned by the state of Washington. Therefore, she filed against the State of Washington in both cases listed. Petitioner filed against the Department of Veterans Affairs, Pierce County, et al., and the State of Washington in the 07852-8. The State 07851-0 remained in the superior court while Pierce County removed 07852-8 to the federal courts. The State accused Petitioner of "case splitting" in the case that was removed to the federal court aka Case No. 3:20-cv-06112-BHS.

d) In the U.S. District Court for the Western District of Washington Petitioner has an active motion (Dkt. #49 to reopen 06112-BHS) in the related open / Active Case No. 2:21-cv-01276-RAJ. + Dept of Veterans drug violations.

2) In the NINTH CIRCUIT No. 22-35794 aka 2:21-01276-RAJ in the United States District Court of Western Washington at Seattle (WAWD) is a related case in-part involves the same transaction or event. Active.

On May 3, 2023, the Ninth Circuit ordered the district court to rule on the reconsideration (Dkt #258) dated October 21, 2022. Active, + drug violations.

3) In the COURT OF APPEALS–II No. 57429–2–II (Providence) is the direct causation and catalyst in the related case involving the same transaction or event, same conduct. (ref: Dkt. #48 in 2:21-cv-01276-RAJ). Active / open.

4) In WAWD **2:21-01276-RAJ** before the Court for reconsideration. Includes unchallenged Joinder for Providence (ref. Dkt #48). Reopen related "case spitting" case (ref: Dkt. #49) where all parties have perfected service. Drug violations against the Dept of Veterans were timely filed.

LIST OF THE PARTIES; PENDING

WAWD Dkt #49 pp. 4-5; 2:21-cv-01276-RAJ Summons Perfected 3:20-cv-06112-BHS aka Pierce County Superior Court 20-2-07852-8 aka 20-2-07851-0;
Dkt 54 State of Washington Attorney General Bob Ferguson.
Dkt 91 Karen Calhoun refused and avoided service.
Dkt 93 Karen Calhoun.
Dkt 81 Mary Opgenorth.
Dkt 92 Stanford Opdyke refused service.
Dkt 96 & 101 Stanford Opdyke.
Dkt 97-1 Glenn Morrison refused and avoided service.
Dkt 97 Glenn Morrison.
Dkt 98 John Haroian.

NOTICE OF APPEARANCE;
Dkt 105 Notice of Appearance Karen C. Calhoun.
Dkt 60 Notice of Appearance Mary Opgenorth and Mark Gelman.
Dkt 61 Notice of Appearance Mary Opgenorth and Mark Gelman.
Dkt 90 Notice of Appearance Standford E. Opdyke.
Dkt 66 Notice of Appearance Glenn C. Morrison.
Dkt 65 Notice of Appearance John M. Haroian.
Dkt 102 Pierce County Prosecutor.
Dkt 102 Pierce County Auditor/Authorized to Receive for Pierce County Prosecutor.

Summons Perfected for U.S. DEPT OF VETERANS:
Dkt 109 Kenric Hammond refused and avoided service.
Dkt 109 Kenric Hammond.
Nandan P. Kumar with perfected service not yet obtained.
Dkt 94 Christopher Hoey.
Dkt 95 Michael Tadych.
Dkt 99 April Gerlock.
Dkt 100 Kimberly VanGoda.
Dkt 103 U.S. Attorney for the United States.
Dkt 55 U.S. Attorney for the United States.

NOTICE OF APPEARANCE, SUBSTITUTION ;
Dkt 106 Notice of Substitution for Other Defendants by U.S. Dept of Veterans.

OPINIONS BELOW

1. Washington State Courts:

The opinion of the Washington State Supreme Court where a Petition for Review was denied March 8, 2023 as well striking Petitioners motion for Friends of the Court in Support of the Petition for Review, Reply to Answer with a cross motion for American Disabilities Accommodations (ADA). In addition, a reconsideration March 27, 2023. Copies of the decisions and documents appear in **Appx: A, B, B-1, D, D-1, E, F, G**.

2. Court of Appeals Division-II:

The unpublished opinion of the Court of Appeals Division-II of September 13, 2022 denied as well as the motion for reconsideration on October 13, 2022. A copy of those decisions appears in **Appx: I, J**.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a):

> "Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States."

CONSTITUTION & STATUTORY PROVISIONS INVOLVED

Statutory Provision

18 U.S.C. § 1621- Perjury: (1) "having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or (2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law . . ."

Americans with Disabilities Act (ADA): "The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. The ADA is divided into five titles (or sections) that relate to different areas of public life."

Administrative Policy NO. 8.06 for the state of Washington Department of Social and Health Services (DSHS)–Western asylum Effective Date March 1, 1991 – March 1, 1999: page 2 under "Affected Clients" defined as "means a person who has committed an offense(s) as defined below, and who is in custody or confined for evaluation and/or treatment by the Department Social and Health Services (DSHS).

Petitioner did not meet any of the definitions. The closest letter yet fails to meet the law requirements is C. However, the State fails to meet the legal requirements stated in C) "A person who committed a sexual, kidnapping, violent, stalking, unlawful imprisonment, offense but was found incompetent to stand trial and civilly committed under Chapter 71.05 RCW, Mental illness."

Revised Code of Washington (RCW): numerous grotesque violations.

FEDERAL LAWS MUST NOT BE VIOLATED
CONSTITUTION OF THE UNITED STATES OF AMERICA

FIRST AMENDMENT: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

SECOND AMENDMENT: A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

SIXTH AMENDMENT: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

FOURTEENTH AMENDMENT DUE PROCESS: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

RELIGIOUS FREEDOM RESTORATION ACT 1993: U.S. legislation originally prohibited the federal government and the states from "substantially burden[ing] a person's exercise of religion" unless "application of the burden...is in furtherance of a compelling governmental interest" and "is the least restrictive means of furthering that...interest."

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STATE LAWS MUST NOT BE VIOLATED
CONSTITUTION OF THE STATE OF WASHINGTON

Article I § 1: Political Power,

"All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights."

Article I § 3: Personal Rights,

"No person shall be deprived of life, liberty, or property, without due process of law."

Article I § 5: Freedom of Speech,

"Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right."

Article I § 10: Administration of Justice,

"Justice in all cases shall be administered openly, and without unnecessary delay."

Article I § 11: Religious Freedom,

"Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state."

Article I § 14: Excessive Bail, Fines and Punishment,

"Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted."

Article I § 24: Right to Bear Arms,

"The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men."

Washington State violated their own Constitution against a competent individual. In *Washington v. Harper* 1) a competent individual's right to refuse

psychotropic medication is a fundamental liberty interest requiring the highest order of protection under the Fourteenth- Amendment.

SUMMARY / INTRODUCTION

This Petition for Writ of Certiorari exposes the State's failure to follow procedures, commit perjury, falsify records, violate Constitutional rights, and breach Federal and State laws. As a result, a competent and physically injured individual was forced treated as if she had a mental illness, then left without adequate medical care for her physical injury, and suffered severe harm.

This is the third leg of a distressing legal matter involving Western State Hospital, revealing the unjust confinement and forced drugging of a competent individual who was experiencing a physical injury. Against her will, she was *chemical lobotomized*, followed by over 20 years of excessive polypharmacy prescribed by the Dept of Veterans for a "mild" case of post-traumatic stress and a severe physical injury mismanaged by the Military, and defendant(s). The Petitioner was court ordered to spend 300-days behind locked psychiatric doors of which she spent 50-days without her legal right to attend a hearing to be heard. Refer to Appendix Table of Contents, Appx U, public records link.

To address the extravagant amount of relief sought. The process requires petitioner to state a monetary value. I struggle to put a monetary value on over 2-decades of my life and all that encompasses, the losses, the gains. Had defendants followed proper procedures and upheld due process, petitioner would have had legal representation, a right to individualized adequate treatment and care, with fairness.

STATEMENT OF THE CASE

There are genuine issues of material fact in dispute, perjury, bad faith, deception, gross negligence, and fraud. Justice requires equitable tolling and that this matter be set for trial. Petitioner has Standing

I. Occurred 4th: Dept of Veterans$_2$: (case #2:21-cv-01276-RAJ)

II. **Occurred 3rd: WESTERN**: (with an unopposed unchallenged motion to reopen #3:20-cv-06112-BHS Dkt 49 in #2:21-cv-01276-RAJ)

III. Occurred 2nd: Dept of Veterans$_1$: (case #2:21-cv-01276-RAJ)

IV. Occurred 1st: PROVIDENCE: *One-minute* groundless Ex parte hearing (COA-II case #57429-II with an unopposed unchallenged motion to Joinder Dkt 48 in #2:21-v-01276-RAJ).

- ARGUMENT 1: Petition for Review was denied by the Court: *See* **Appx B**.
- ARGUMENT 2: Clerk filed to strike Reply to Answer: On December 29, 2022 the clerk motioned to strike appellant's Reply to Answer that the court granted. The appellant was entitled to file a reply per the rules. Petitioner filed an Objection in Opposition to the Clerk's Motion to Strike the Reply to Answer and with a Cross Motion for Reasonable Accommodations under the American Disabilities Act (ADA). *See* **Appx E** Dkt #269-2 pp. 31-32), and **Appx F, G**.

The court failed to provide or consider reasonable accommodations under the American Disabilities Act (ADA). The state actors presented in this case did not follow American Disabilities Act. As a result of Respondents [....] actions, inactions,

misconduct, and omissions, violate Appellant's legal rights under Title II ADA, 42 U.S.C. § 12132, et seq., the ADA provides that "no qualified individual with a disability shall, by reason of disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity or be subjected to discrimination by such entity." 42 U.S.C. § 12132.

The ADA's regulations further provide that "[a] public entity shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered." 28 C.F.R. § 35.130(b)(8). Pursuant to the ADA, public entities are required to provide meaningful access to their programs, services and activities, and provide any accommodations or modifications necessary for people with disabilities to access those services. As a result of stigma deeply rooted in our society and culture, people with mental illness and disabilities often suffer regulations promulgated thereunder at 28 C.F.R Part 35, and 42 U.S.C. § 1983, as well as suffer far greater deprivations of liberty, respect, and dignity than those convicted of crimes, thus unnecessarily confining petitioner with illegal extensions in a psychiatric hospital facility.

ADA provides that "no qualified individual with a disability shall, by reason of disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity or be subjected to discrimination by such entity." 42 U.S.C. § 12132. The ADA's regulations further provide that "[a] public

entity shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered." 28 C.F.R. § 35.130(b)(8). Stima is expressed in the creation of unconstitutional and discriminatory laws and practices designed to segregate those with disabilities from the rest of society.

- ARGUMENT 3: Friends of the Court in Support of Petition for Review was denied by the Court: Petitioner filed a Motion for Permission to Accept Friends of the Court in Support of the Petition for Review as instructed by the clerk via email letter. The court denied this filing and review. *See* **Appx D, D-1**.

- ARGUMENT 4: Statute of Limitations: There are genuine issues of material fact in dispute, perjury, bad faith, deception, gross negligence, and fraud. In *Millay v. Cam*, 955 P.2d, 791, 797 (Wash. 1998) the doctrine of equitable tolling allows a court to toll the statute of limitations when justice requires. Equitable tolling is granted for extraordinary circumstances, going beyond what is usual, regular, or customary, as a remedy to resuscitate untimely claims. Justice requires equitable tolling. *See* public records link in table of contents.

1. 18 U.S.C. § 1621 – Perjury. The affidavits made by the Deputy Prosecuting Attorney of Pierce Couty, Karen C. Calhoun (refused and avoided service), Glenn S. Morrison (refused and avoided service), lied to the Superior Court

in Pierce County. Morrison was the only signature on the petition and affidavit when the law requires two signatures, standard procedures and safeguards. The Court Clerk, who initialed as the Court Clerk and the Filing Court Clerk and the Deputy Court Clerk is considered fraud. The SAME PERSON initialed in three different legal capacities. In addition to criminal impersonation in the first degree, pursuant to Revised Code of Washington (RCW) 9A.60.040.

2. Constitutional depravations, Federal and State law violations. No due process. No legal counsel. No right to refuse. No judicial determination for forced drugging at any time, since the first leg Providence; second-leg Dept of Veterans$_1$; third-leg Western State; last-leg Dept of Veterans$_2$ for a walking cane. **Appx U**.

In *O'Connor v. Donaldson* 422 U.S. 573-576 (1975), the U.S. Supreme Court decided that "A State cannot constitutionally confine a nondangerous individual who is capable of surviving safely in freedom by himself or with the help of willing and responsible family members or friends...". See *Lessard v. Schmidt*, 349 F. Supp. 1078, 1086 (E.D. Wis. 1972) It can be argued that no deprivation of liberty is permissible under the due process clause without a prior hearing. It is obvious that the commitment adjudication carries with it an enormous and devastating effect on an individual's civil rights. In some respects, the civil deprivations which follow civil commitment are more serious than the deprivations which accompany a criminal conviction.

3. The U.S. Supreme Court has held that part of the right to counsel is a right to effective assistance of counsel.

The State gives the appearance it provided a "public defender" yet the documents are clear that the petitioner had no effective legal counsel whatsoever. The court appointed attorneys, Mary Opgenorth, Stanford Opdyke (refused service), in name only not providing any legal counsel who Obtained my Signature by Deception in violation pursuant to NEW SECTION. Sec. 9A.60.030.(1) A person is guilty of obtaining a signature by deception or duress if by deception or duress and with intent to defraud or deprive he causes another person to sign or execute a written instrument. *See* public record link.

In furtherance, there is no justification to sign a document while saturated on force administration of excessive drugs. Proof of how this is unreasonable for the Court to consider that the Petitioner would ever consent or sign such a document while being abused with chemical restraints in an asylum. **Appx U**.

As an active-duty service member of the armed forces who was physically injured, and prescribed inappropriate drugs for that physical injury: On at least two occasion Petitioner refused to sign a biased one-sided administrative remark reprimanding me, as well as being denied a second opinion for my physical injury. **Appx D-1**, Dkt #124-1 pp. 100, 102, 174).(docs seen also in Dkt #269-1).

The standard of review for effective assistance of counsel is whether, after examining the whole record, the court can conclude that defendant received effective representation and a fair trial. When defense counsel's conduct deprives a defendant [petitioner now] of his constitutional right to testify, is that deprivation subject to an analysis of harm or prejudice, and if so, what standard should be

used? We hold that this type of claim is properly characterized as one of ineffective assistance of counsel and that the usual analysis of prejudice under *Strickland v. Washington* 1 applies. 1 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed. 2d 674 (1984); *State v. Hendrickson*, 129 Wn.2d 61, 77- 78, 917 P.2d 563 (1996). The right to effective assistance of counsel is the right "to require the prosecution's case to survive the crucible of meaningful adversarial testing." *United States v. Cronic,* 466 U.S. 648, 656, 104 S. Ct. 2045, 80 L. Ed. 2d 657 (1984).

State v. Ciskie, 110 Wn.2d 263, 284, 751 P. 2d 1165 (1988). A presumption of counsel's competence can be overcome by showing counsel failed to conduct appropriate investigations, adequately prepare for trial, or subpoena necessary witnesses. *Id.*

4. Resolving the violent trauma of what happened to me in 2001, in 2018, I discovered my Second Amendment rights were infringed upon. I have been in contempt of Court more than once not knowing that my right to bear arms was infringed upon. On August 14, 2019, I filed for Restoration of Rights in Thurston County Superior Court. Rights Restored 11/01/2019 for Washington State only.

5. In "The Body Keeps the Score, Brain, Mind, and Body in the Healing of Trauma," the author states that individuals with complex trauma have complications in what's known as Broca's area which is of the speech center of the brain. When damaged, individuals cannot put their thoughts and feelings into words. "Trauma by nature drives individuals to the edge of comprehension, cutting us off from language based on common experience or an imaginable past." The

excessive drugs Dept of Veterans prescribed to Plaintiff during the period at issue impaired her functioning creating more delay. **Appx U**. See public record link. "Drugs cannot 'cure' trauma; they only dampen the expressions of a disturbed physiology." Complex trauma is linked with more severe cognitive impairment and compartmentalization. Compartmentalization is a coping mechanism to adapt. (emphasized).

For the reasons stated above, equitable tolling applies in this case. Medical evidence and Plaintiff's cognitive impairment functioning delays are proven throughout the Court records and filings. It is medically established that unresolved trauma is activated around certain triggers. An individual can do fine in areas not activated. As stated in the DSM IV (1994–2013): There is a "persistent avoidance of stimuli associated with trauma..." Defendant's like to use that I went to college against me. College was a safe place that helped restore cognitive function delays and processing, having a tutor in most all classes. Going to college in no way means I was capable of processing violent trauma and filing a lawsuit. In 2023, I have still been receiving effective medical treatments for the harm caused by these drugs and being maimed in my lower extremities.

People engage in "efforts to avoid activities, places, or people that arouse recollections of the trauma." "Avoidance of or efforts to avoid people, conversations, or interpersonal situations that arouse recollections of traumatic event(s)." Trauma can be physiological and/or psychological. Thus, it is not uncommon for trauma to impair an individual's functionality. In this situation, crippling drug effects also

masked physical injuries and made it difficult to regain other areas of functioning in life. Trauma impaired Petitioners ability to comprehend a cause of action. See also *Cada v. Baxter Healthcare Corp.*, 920 F.2d 446 (7th Cir. 1990).

Following this further, as recorded in the COA–II ruling 09/13/2022, "[Appellant] did not substantively respond to the State's motion to dismiss. Instead, she filed a motion for summary judgment," still not understanding the process.

When petitioner motioned for ADA (01/12/2022 shown as Dkt.#50-9 p. 3, pp. 66-74). Petitioner's brain health by Dr. Andrew Iverson, *Dr. I The Herbal Guy*, a well-respected medical professional, naturopathic physician with over 25 years of clinical experience;

"Carolyn Green 11 /7 /21 I put a lot of time into this testing today because the pattern was elusive ... and then after much exclusion it pointed almost entirely at brain health. The energetic pattern represented is one seen in stroke where there is a component of vascular and brain involvement. . . the brain and need for iodine as well as magnesium." ... "All I can say is the testing is spot on. when you were tested you had 4 vials of medications indicated- I put "multiple chemicals". So now I can say without a doubt- you must find someone to reduce your medications and ... must detoxify from them ...." ..."so that must have been a huge assault to the system to still be resonating strongly after 4 years" of being off liquid-morphine. (emphasis).

This was Petitioners brain health four years after self-discontinuance of Morphine from 13 years of chronic opioid therapy in the overall 20+ years of excessive prescribed drugs by Dept of Veterans. Medical experts have testified, published articles in peer reviewed literature, and produced sworn affidavits on the harmful effects of these drugs. Brain function is impaired. Neuropathways are disrupted making them inoperative. These drugs create dysfunctions affecting the frontal lobe, temporal lobe, parietal lobe, occipital lobe, cerebellum, brain stem, as

well as other functions. Affidavits of Medical Experts with testimonies were filed in Court of Appeals Div-II on 03/17/2022 @ 4:10 PM pp. 177-220 from the following: Dr. Peter C. Gøtzsche, Dr. Grace E. Jackson, Robert Whitaker, and Dr. Peter Breggin's expert testimony. Other well-educated professionals that have extensive knowledge; Dr. Joanna Moncrieff, Jim Gottstein, Rob Wipond, Ann Blake-Tracy, and Mad in America. The Body Keeps Score the Score" by Bessel Van Der Kolk, M.D.; the Diagnostic and Statistical Manual (DSM); and scientific research concur with these findings of altering and creating brain dysfunctions. As well as those with lived experience. These drugs damage and cripple individuals. **Appx U, W**, see public record link.

6. Forced drugging is a violation to the First Amendment of Free Speech as these drugs interfere with personality, thoughts, speech, creates blunted emotions, alters expressions and how a human being communicates. Petitioner hand wrote her decision, "no prescription drugs please ..." Prior to court, the State overrode my documented and legal right to refuse.

Assaulted. And, assault in the first-degree for force injecting 2 mg of Ativan into a competent individual for not wanting to be covered with a blanket. Violent and abusive. Chemical restraints were used as a form of punishment. The U.S. Supreme Court decided in *Vitek v. Jones*, that due process required that the nature of commitment bear some reasonable relation to the purpose for which the individual is committed. (*Jones v. United States*, supra at 368). "...even if his continued confinement were constitutionally permissible, keeping him against his

will in a mental institution is improper absent a determination in civil commitment proceedings of current mental illness and dangerousness." Forced administration of antipsychotic medication may not be used as a form of punishment.

In *Youngberg v. Romeo*, 457 U.S. 307, 321-22, 102 S. Ct. 2452 (1982), the Supreme Court stated "Persons who have been involuntarily committed are entitled to more considerate treatment and conditions of confinement than criminals whose conditions of confinement are designed to punish." *See Mills v. Rogers*, 457 U.S. 291, n16, 102 S.Ct. 2442 (1982). *See* **Appx E**, Dkt #269-2 p. 33-37, 39-41, 43.

7. *Gross negligence* is defined as: "the failure to exercise slight care. It is negligence that is substantially greater than ordinary negligence. Failure to exercise slight care does not mean the total absence of care but care substantially less than ordinary care." Washington Pattern Instruction [WPI] 10.07. The Washington Supreme Court defines gross negligence as, "gross or great negligence, that is, negligence substantially and appreciably greater than ordinary negligence. Its correlative, failure to exercise slight care, means not the total absence of care but care substantially or appreciably less than the quantum of care inherent in ordinary negligence." *Nist v. Tudor*, 407 P.2d 798, 331 (1965), see also *Boyce v. West*, 862 P.2d 592, 665 (1993) (gross negligence is "...negligent acts [that fall] greatly below the standard established by law for the protection of others against unreasonable risk of harm..."). Thus, there is no-immunity from ordinary medical tort liability when the provider's conduct in gross negligence. *Bad faith* is defined

as: "actual or constructive fraud, or a neglect or refusal to fulfill some duty...by some interested or sinister motive." *Bentzen v. Demmons*, 842 P.2d 1015, 349 n.8 (1993), see *Spencer v. King County*, 692 P.2d 874, 208 (1984) (bad faith implies acting with tainted, fraudulent or ill will motives).

It is undeniable that forcibly administering powerful neuroleptic drugs to a competent individual without their consent, and subsequently disregarding their well-documented physical injury by attributing it to a false mental condition constitutes gross negligence. The repeated violations of petitioner's individual right to make decisions about her own care is deeply concerning and must be addressed. "A physician commits malpractice by not exercising that degree of skill and learning that is ordinarily possessed and exercised by members of the profession in good standing acting in the same or similar circumstances." *Durham v. Vinson*, 360 S.C. 639, 650-51, 602 S.E.2d 760, 766 (2004). It's gross negligence and medical malpractice to treat a physical injury with sedation, benzodiazepines, tranquilizers, "mood stabilizers and antidepressants", antipsychotic drugs for an alleged marketed mental disorder that Carolyn never had then since or prior.

See *Eleanor Riese v. St. Mary Hospital* (1989).

Petitioner enforced her legal right to refuse. No consent given, neither was Petitioner informed. State overrode Petitioners legal right to refuse. *See Cobbs v. Grant* [Supreme Court of California. October 27, 1972] "Informed consent."

Western State bypassed judicial determination for unlawful imprisonment (legal definition is kidnapping) and forced drugging in a psychiatric institution.

There is no justifiable legal reason for the illegal mandatory forced drugging, confinement extensions, and with only a one provider as the petitioner and affidavit. The State removed safeguards. Furthermore, the State permitted the SAME PERSON to initial in three different legal capacities is illegal.

8. A false statement or record in connection with a claim may be said to be material if it has a natural tendency to influence the government's decision to pay the claim." See *United States v. Polizzi*, 801 F.2d 1543, 1553 (9th Cir. 1986), "Falsification of official records is a serious crime, as it strikes at the integrity of the governmental process." "A statement is considered defamatory if it tends to injure a plaintiff in his or her trade or profession, or otherwise subject the plaintiff to public contempt, ridicule, or disgrace." See *United States ex rel. Hopper v. Anton*, 91 F.3d 1261, 1266 (9th Cir. 1996). See False Claims Act (31 U.S.C. §§ 3729-3733.

9. *Standing*, "Any litigant must demonstrate that he or she has standing to invoke the power of the court to determine the merits of an issue." See *Vaughan v. First Union Nat'l Bank*, 740 So. 2d 1216, 1217 (Fla. 2d DCA 1999). *See* **Appx E**, Dkt #269-2 p. 9.

10. "Competent". Innocent, physically injured, not-gravely disabled, not a danger. To then be forced drugged illegally on top of being confined in a psychiatric asylum is beyond traumatizing. Especially when physically injured and treated as a subhuman having my Constitutional rights, Federal and State laws in place to protect me were grotesquely violated. Forced drugged and left physically injured. Petitioner was only able to write her name in very small letters. Reduced to coloring

in two o's from a 13-page orientation manual. She had to ask Dept of Veterans for a walking cane. Please let that sink in. Barbaric treatment is a soft term. It takes about 20 years to recover from being chemically lobotomized as well as saturated with excessive drugs by the Dept of Veterans for over two-decades.

11. Recently passed is New York's Adult Survivors Act[1] ("ASA" or "the Act") (S.66A/A.648A) that became effective on November 24, 2022. The Act provides a one-year lookback window for people to seek civil remedies for sexual abuse they experienced after they turned 18, regardless of what year the abuse occurred. Recognizing the long-lasting impact and trauma caused by violent and abusive events, Washington State is in committee for HB 1618 2023-24, aimed at modifying the statute of limitations for childhood sexual abuse. This signifies a growing understanding and research surrounding the need for legal reforms in order to support survivors.

The same type of Act for Survivors of Forced Incarceration often with illegal mandatory forced injections or forced to ingest drugs often sold to the courts as involuntary commitment is worthy of equitable tolling. Chemical restraints abuse used to punish innocent competent citizens chemically lobotomizing [petitioner] is barbaric. To be physically injured, ignored, then having my lower extremities maimed, then abused is traumatizing, as well as illegal in the United States of America.

12. Even in 2022, Western State continues to be a corrosive culture that is still plagued with violence. In addition, see *Boyd v. State of Washington* (2015). This

institutional corruption creates disabilities with negative life-altering devastating consequences, Western State, as does Providence St. Peter Hospital, and the Dept of Veterans create unsafe destructive medical environments. Criminal activity, criminal mistreatment, abuse with chemical restraints, and fraud do not serve as an asset in society. The violations of the ADA, and the excessive force drugging, should alert the Supreme Court of the United States of the long-infected bias and mistreatment against people with disabilities. **Appx V**, see public record link.

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully seeks a writ of certiorari to review the judgments of the Washington State Supreme Court and the Court of Appeals Division-II.

REASONS FOR GRANTING THE PETITION

To prevent ongoing deprivations of due process, infringements on the right to legal counsel, and the pervasive issues of fraud and perjury, it is crucial for the Supreme Court to grant this writ of certiorari. By doing so, the Court can effectively put a stop to the State's abuse of power, safeguarding the fundamental rights of the people and ensuring a fair and just legal system. Furthermore, by addressing this petition, the Court has the opportunity to establish and enforce vital precedents that protect individual liberties, uphold the principles of justice and equality, promote uniformity in federal law, and minimize violations of Constitutional rights.

CONFLICTING DECISIONS OF FEDERAL & STATE COURTS MUST BE RESOLVED

Washington State violated their own Supreme Court ruling. *Washington v. Harper* (1990); "No rigorous standards or procedure met to force psychotropic

medications on an individual." 494, U.S. 210. "In order for involuntary medication to be approved, it must be demonstrated that the inmate suffers from a mental disorder and as a result of that disorder constitutes a likelihood of serious harm to himself or others (494 US 210, 244) and/or is gravely disabled" Lodging, Book 9, Policy 600.30, p. 1. In *Washington v. Harper* an individual has a "significant" constitutionally protected "liberty interest" in avoiding the unwanted administration of antipsychotic drugs (494 US @ 221, 108 L Ed 2d 178, 110 S. Ct 1028). That a competent individual's right to refuse psychotropic medication is a fundamental liberty interest requiring the highest order of protection under the Fourteenth- Amendment, because most psychotropic drugs do induce lethargy, drowsiness, and fatigue, e.g. Physicians' Desk Reference 1126, 1236, 1640, 1788 [494 US 210, 249], this form of "medical treatment' may reduce an inmates dangerousness, not by improving his mental condition, but simply by sedating him with a medication that is grossly excessive for that purpose. [Footnote 17]. "The liberties of citizens to resist the administration of mind-altering drugs arise from our nation's most basic values." (Stevens, J. dissenting).494, US 210, 238.

In Addington v. Texas requires "clear and convincing evidence" as a standard. We held that the medical conditions for civil commitment must be proved by clear and convincing evidence. The purpose of this standard of proof, to reduce the chances of inappropriate decisions, id., at 427, is no less meaningful when the factfinders are professionals as when they are judges or jurors. 441 U.S. 418, (1979).

There was no clear and convincing evidence provided by the State. The State failed to even provide an interview. Provided illegal confinement extensions at the premeditated request of the Dept of Veterans, solidified three-times in the record. No grave disability. Not supported by substantial evidence either. (See LaBellle, 107 Wn.2d at 196, 204-205, 209-210, 728 (1986)). W.G. Appellant COA 53660-9-II, unpublished. The State saturated the Petitioner in excessive forced drugs.

In *Addington v. Texas* "the individual's interest in the outcome of a civil commitment processing is of such weight and gravity that due process requires the State to justify confinement by proof more substantial than a mere preponderance of the evidence. In *Addington* (441 U.S. at 426) civil commitment "must require that an individual be both mentally ill and dangerous for civil commitment to satisfy due process". Driving fails to meet the dangerous standard. 557 S.W. 2d 511 (1977), vacated, 441 US 418 (1979).

Equitable Tolling Standard

According to the Court of Appeals of Washington in *State v. Duvall*, 86 Wash.App 871, 874 940 P.2d 671 (1997), "The doctrine of equitable tolling permits a court to allow an action to proceed when justice requires it, even though a statutory time period has nominally elapsed."

In *Douchette*, 117 Wn.2d at 812 Courts have determined that equitable tolling is appropriate when "consistent with both the purpose of the statute providing the cause of action and the purpose of the statute of limitations."

Equitable tolling is a defense to all federal statutes of limitations unless Congress provides otherwise. *Fadem v. United States*, 52 F.3d 202, 205 (9th Cir. 1995); *Irwin v. Dept. of Veterans Affairs*, 498 U.S. 89, 112 L. Ed. 2d 435, 111 S. Ct. 453, 457 (1990). Equitable tolling focuses on the plaintiff's excusable ignorance of the limitations period. *Naton v. Bank of California*, 649 F.2d 691, 692 (9th Cir. 1981); *Supermail Cargo, Inc. v. United States*, 68 F.3d 1204, 1207 (9th Cir. 1995).

When a plaintiff alleges a set of facts which, if proven, would show her ignorance of the event triggering the limitations period was excusable, her complaint cannot be dismissed. Her filing is timely under the equitable tolling doctrine if it is deemed possible for her to prove a set of facts which would serve to toll the limitations period. *Supermail Cargo, supra*, 68 F.3d at 1208.

Failure to comply with filing deadlines in a discrimination case may be excused if: (1) the plaintiff had neither official notice nor actual knowledge of the filing period; or (2) if the plaintiff was unaware she was the object of discriminatory conduct; or (3) equitable grounds exist. *Cooper v. Bell*, 628 F.2d 1208, 1212 (9th Cir. 1980). In, *Ohler v. Tacoma General Hospital* 92. Wn.2d 507 (1979), appellant's claim against Tacoma General did not accrue until she discovered or reasonably should have discovered all of the essential elements of her possible cause of action, .i.e., duty, breach, causation, damages.

Equitable Tolling Claims May Be Allowed:

1). In Irwin v. Veterans Affairs, 498 U.S. 89 (1990), the Supreme Court held limitations included in waivers of sovereign immunity would be subject to equitable

tolling unless Congress specifically precluded such tolling; 2). Ignorance of the injury and/or its cause because of a claimant's lack of diligence does not delay accrual of the claim; if the cause is unknowable despite the claimant's diligence, accrual may be delayed. *Skwira v. United States*, 344 F.3d 64, 78 (1st Cir. 2003); *Kronisch v. United State*s, 150 F.3d 112 (2nd Cir. 1998); 3). Government physicians' reassurances that medical complications experienced by the plaintiff are normal may delay the plaintiff's knowledge of his injury and toll the statute of limitations. *Dearing v. United States*, 835 F.2d 226 (9th Cir. 1987); 4). Government's active or fraudulent concealment of its role in the injury causing event may toll the statute of limitations. *Muth v. United States*, 1 F.3d 246 (4th Cir. 1993); *Bennett ex rel. Estate of Bennett v. United States*, 429 F.Supp.2d 270 (D.Mass. 2006); *Valdez ex rel. Donely v. United States*, 518 F3d 173 (2d Cir. 2008) (government misconduct or concealment not necessary to invoke doctrine of equitable tolling);

5). Government's continuing tortious conduct or continuous medical treatment may delay accrual of the claim. *Otto v. National Institute of Health*, 815 F.2d 985 (4th Cir. 1987) ("doctrine is based on a patient's right to place trust and confidence in his physician" and "the patient is excused from challenging the quality of care being rendered until the confidential relationship terminates"); *Wehrman v. United States*, 830 F.2d 1480 (8th Cir. 1987); 6). If the government's negligence caused the plaintiff's mental incapacity to understand the significance of the relevant facts, tolling may be allowed. *Washington v. United States*, 769 F.2d 1436 (9th Cir. 1985). *Irwin v. Department of Veterans Affairs*, 498 U. S. 89 (1990),

provides the framework for deciding "the applicability of equitable tolling in suits against the Government."

The Government's response that § 2401(b)'s time limits are not subject to tolling because they are jurisdictional restrictions. Though the courts govern litigation against the Government, a court can toll them on equitable grounds. The FTCA's jurisdictional provision states that courts may hear suits "under circumstances where the United States, if a private person, would be liable to the claimant." 28 U. S. C. §1346(b).

Court of Appeals opinion of the (9th Cir.) 558–559. "..it makes no difference that a time bar conditions a waiver of sovereign immunity, even if Congress enacted the measure when different interpretive conventions applied; that is the very point of this Court's decision to treat time bars in suits against the Government, whenever passed, the same as in litigation between private parties." See *Irwin*, 498 U. S., at 95–96; *Scarborough*, 541 U. S., at 420–422; *Franconia*, 536 U. S., at 145.

Accordingly, the Court held that the FTCA's time bars are non-jurisdictional are subject to equitable tolling. The Court of Appeals (9th Cir.) rejected the Government's argument and concluded that courts may toll both of the FTCA's limitations periods. *United States v. June* (2015).

In Irwin's "general rule" that equitable tolling is available in suits against the Government. 498 U. S., at 95. "The justification the Government offers for departing from that principle fails: Section 2401(b) is not a jurisdictional require-ment. The time limits in the FTCA are just time limits, nothing more." The Court explained in

Irwin, that is not because the phrase itself "manifest[s] a . . . congressional intent with respect to the availability of equitable tolling." 498 U. S., at 95. "The words on which the Government pins its hopes are just the words of a limitations statute of a particular era. And nothing else supports the Government's claim that Congress, when enacting the FTCA, wanted to incorporate this Court's view of the Tucker Act's time bar—much less that Congress expressed that purported intent with the needed clear statement." "All that matters is that such time limits function as conditions on the Government's waiver of sovereign immunity."

The military expertise in the area of guarding against sabotage by agents of our wartime enemy led the Supreme Court to defer to the judgment of military officials that hundreds of thousands of persons of Japanese ancestry needed to be incarcerated in relocation camps. *Korematsu v. United States*, 323 U.S. 214 (1944). Years later it was revealed that the military's "expert" assessment that Japanese Americans posed a security threat to the defense of the West Coast of the United States was completely unsupported by any evidence. See Peter Irons, Justice at War: The Story of the Japanese American Internment Cases (1983). Moreover, it was revealed that the military knew that it had no evidence of disloyalty and yet that fact was fraudulently concealed from the Court. Because of the fraud, a writ of coram nobis vacating the criminal conviction of Fred Korematsu was finally granted forty years later. *Korematsu v. United States*, 584 F.Supp. 1406 (N.D. Cal. 1984).

As seen in *Stoll v. Runyon* the plaintiff, Stoll, was entitled to equitable tolling after the extreme sexual assault and harassment she experienced at her job where

Stoll was left so traumatized that she could not participate or even directly communicate with her lawyer for her EEOC proceedings without having panic attacks. 165 F.3d 1238 (9th Cir. 1999). Stoll's lawyer sent letters to her psychologists' office to communicate with her that were then read in her presence. "According to Dr. Weber, Stoll had been unable to understand her legal rights and act on them from the time he began treating her in December 1990. The ALJ for her EEOC proceeding "found that Stoll, understandably, suffered severe psychological damages as a result of her experiences," Id. The ALJ's findings were adopted by the Post Office (Stoll's employer) and the OFO.

Based on the information provided by Dr. Weber and the ALJ report, the court found that "Stoll's mental incapacity—and the effect it had upon her relationship with her lawyer—is an 'extraordinary circumstance' beyond her control." Id. at 1242. Stoll was unable to file on time because her attorney-client relationship, like the rest of her relationships with men, was seriously damaged by the egregious conduct that she seeks to redress in her lawsuit." Id. at 1242. Stoll was thus entitled to equitable tolling for her claims due to her mental incapacity.

Similarly, *Carolyn Sioux Green v. United States* Case No. 2:21-cv-01276-RAJ in United States District Court for the Western District of Washington (WAWD); the Medical Officer, a Commander, and the Medical Administrator, a Chief Warrant Officer, through a by direction initiated the retaliation and hostile medical environment against the severely physically injured service member that was further led up the chain of command to reinforce their personal attacks that were

approved by the Command. Five Military Officers were derelict in their duty and failed to perform their duties to a physically injured active-duty service member who was temporarily assigned to the land unit due to her physical injury.

In the *Swackhammer v. Widnall* No. 96-35587 (1997, 9th Cir.), the record establishes the United States Air Force failed to post notice of the right to equal employment opportunity and the deadlines for filing claims in the Renton recruiting office in 1985 and 1986. Ms. Swackhammer had no notice of such filing deadlines.

Lynne Swackhammer was also unaware she was the object of discriminatory conduct and that such conduct caused her current emotional and physical damages. Thus, she asserted additional equitable grounds for tolling based on her disassociative memory syndrome and the delayed onset of her damages. See also *Douchette v. Bothell School District*, 117 Wn.2d 805, 812 fn.6, 818 P.2d 1362 (1991) ("We do not rule out the possibility for future cases that equitable grounds might exist which justify a tolling of the statute of limitations in a discrimination case.").

Statute of limitations should be tolled. Petitioner was incapacitated to an extent due to how [Defendants], (and other actors), were involved in these facts. The drug damaging–medications had a life-changing negative impacted to every aspect of Petitioner life. Examples of Petitioner cognitive dysfunctions with delayed processing are identified in her writing from 2001, and in the court filings. Physical evidence has been filed and logged showing the damaging effects done to petitioners brain from forced psychotropic drugging during the unlawful imprisonments followed by 20+ years of excessive drugs by the Department of Veterans.

JUSTICE FOR ALL

A fair and just positive ruling by this Court will prevent the undermining of lower courts thus keeping uniformity of federal laws protecting its citizens.

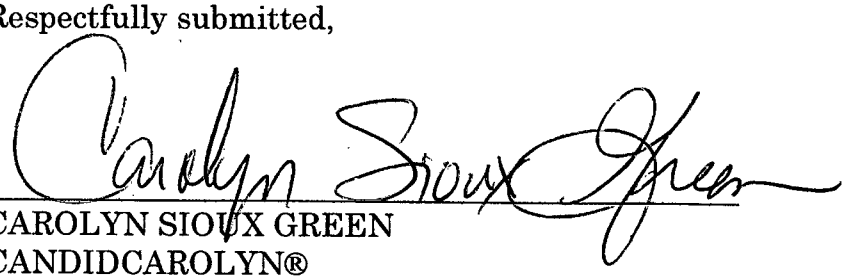
CONCLUSION

For the foregoing compelling reasons presented, it is evident that the Supreme Court should grant this Petition for Writ of Certiorari and reverse the decision of the Washington State Supreme Court. By doing so, the Court would address the pressing issues at hand, protect fundamental rights, and ensure a fair and just legal system. Thank you and sincerely for considering this case and the importance it holds.

I declare under penalty of perjury that the forgoing statement is made under the laws of the United States of America and that the foregoing is true and correct, and I am competent to testify to the matters set forth herein.

DATED this 5th day of June 2023,

Respectfully submitted,



CAROLYN SIOUX GREEN
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candidCarolyn@gmail.com
(253) 588-8100
Petitioner self-represented

CERTIFICATE OF COMPLIANCE

I declare under the penalty of perjury and under the Federal laws and 28 U.S.C. § 1746 that the above is true and correct. As required by Supreme Court Rule 33.1(h), I certify that the Petition for Writ of Certiorari contains 7765 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d), filed under Rule 33.2 for paper format with Veteran's waiver Rule 40.

CERTIFICATE OF SERVICE

I, *Carolyn Sioux Green,* state and declare as follows: I am over the age of 18 years, and I am competent to testify to the matters set forth herein. On June 5, 2023, and that I served a true and correct copy of this **PETITION FOR WRIT OF CERTIORARI FOR THE WASHINGTON STATE SUPREME COURT** and this CERTIFICATE OF SERVICE on the following parties to this action, as indicated:

Defendant's Counsel:
Attorney Generals Offices
PO Box 40124
Olympia, WA 98504-0124

PDF Via Email: sarah.coats@atg.wa.gov, derek.milligan@atg.wa.gov, shsappealnotification@atg.wa.gov.

I declare under penalty of perjury that the forgoing statement is made under the laws of the United States of America and that the foregoing is true and correct, and I am competent to testify to the matters set forth herein.

DATED this this 5th day of June 2023.

s/CANDIDCAROLYN®
s/Carolyn Sioux Green
PO Box 38097, Phoenix, AZ 85069
candidCarolyn@gmail.com
(253) 588-8100, *Petitioner self-represented*

In the Supreme Court of the United States

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On Petition for a Writ of Certiorari
to the Washington State Supreme Court

CAROLYN SIOUX GREEN
v.
STATE OF WASHINGTON, et al.,

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APPENDIX **U**: FORCED DRUGGING a "Competent" individual:
20-2-07852-8 aka 3:20-cv-06112-BHS aka 20-2-07851-0 aka 557908 aka 101455-4 now here. Bypassing judicial determination *chemically lobotomizing* a "Competent" individual; 18 U.S.C. § 1621 – Perjury; No Due Process; violations of the First Amendment; infringement of the Second Amendment; violations of the Sixth Amendment; violations of the Fourteenth Amendment, violations of the ADA.
And, 20+ Years of Excessive Drugs by the Dept of Veterans
See Dkt #258 series in 2:21-cv-01276-RAJ. **Drug violations against Dept of Veterans were timely filed.**

APPENDIX V: REFERENCE LIST regarding the abuse, violence, deaths at Western State Hospital, & Eastern State Hospital.

APPENDIX W: REFERENCE LIST as filed in #2:21-cv-01276-RAJ Dkt #36-1 pp.175-179.

Gmail

Carolyn Sioux Green <candidcarolyn@gmail.com>

Carolyn Sioux Green: On Petition for a Writ of Certiorari to the Washington Supreme Court

1 message

Carolyn Sioux Green <candidcarolyn@gmail.com> Mon, Jun 5, 2023 at 12:19 PM
To: "Coats, Sarah J (ATG)" <sarah.coats@atg.wa.gov>, serviceatg@atg.wa.gov, derek.milligan@atg.wa.gov, shsappealnotification@atg.wa.gov
Cc: rocksolidlegal2004@gmail.com

Good afternoon,

The undersigned hereby declares under penalty of perjury under the laws of the State of Texas, that the following is true and correct.

I declare under penalty of perjury that the forgoing statement is made under the laws of the United States of America and that the foregoing is true and correct, and I am competent to testify to the matters set forth herein.

SEE ATTACHED:

1. Declaration of Status as a Veteran
2. Coversheet; On Petition for a Writ of Certiorari to the Washington State Supreme Court
3. Questions Presented
4. Table of Contents
5. Writ of Certiorari
6. Certificate of Compliance
7. Certificate of Service, via email
8. Appendix - Table of Contents List
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Thank you,

candidCarolyn

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June 5, 2023

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1167K

Gmail Carolyn Sioux Green <candidcarolyn@gmail.com>

Automatic reply: Carolyn Sioux Green: On Petition for a Writ of Certiorari to the Washington Supreme Court

1 message

ATG MI Service Documents <ServiceATG@atg.wa.gov> Mon, Jun 5, 2023 at 12:21 PM
To: Carolyn Sioux Green <candidcarolyn@gmail.com>

The Washington Attorney General's Office will provide a waiver or acknowledgment of personal service of original service of process of a Summons and Complaint only after actual receipt of the Summons and Complaint at the following email address: serviceATG@atg.wa.gov. This waiver or acknowledgement of personal service applies only to suits against the State of Washington, its state agencies and state officials sued in their official capacities. The AGO does not agree to waive original service of process for individually named defendants. The waiver or acknowledgment of personal service is effective on the date issued, not on the date the Summons and Complaint were emailed or received by email. Waiver or acknowledgement of personal service through this process will come in the form of an email authored by an Assistant Attorney General specifically acknowledging the receipt of the Summons and Complaint. An "auto-reply" from the service email address does not serve as a waiver or acknowledgment of personal service.

DO NOT USE THIS EMAIL ADDRESS FOR DELIVERY OF ANY OTHER FILING RELATED TO ONGOING LITIGATION OR FOR GENERAL CORRESPONDENCE WITH THE AGO. For delivery of any other filing (except an original Summons and Complaint) related to ongoing litigation, contact the assigned AAG. For consumer complaints, constituent contacts or requests for public records, consult the AGO website at www.atg.wa.gov.

This waiver is effective until further notice and may be amended or updated as circumstances require.

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04/14/2022 conflicting ruling 3:22-cv-05258-JCC
05/18/2022 petitioner objects to magistrate judge
05/18/2022 mag judge TLF assigned herself to 3:22-cv-05258-JCC
06/14/2022 petitioner paid filing fee of $402.00
06/08/2022 magistrate judge report and recommendation

APPENDIX P: NOTICE OF RELATED CASES:
12/08/2022: Dkt #262 *list*
05/03/2023: Dkt #276
03/31/2023: Dkt #273
02/07/2023: Dkt #269
01/23/2023: Dkt #267
08/26/2022: Dkt #226

APPENDIX Q: JOINDER DOE–1 Providence WAWD: 2:21-cv-01276-RAJ:
03/16/2022 motion to Joinder: Dkt #48
03/28/2022 affidavit proof of perfected service: Dkt # #146, 146-1
03/28/2022 in further support of joinder: Dkt #144
03/17/2022 certificate of perfected service: Dkt #143-1
03/31/2022 electronic agreement of 12/31/2020: Dkt #152-2
See Dkt # # 126, 126-1, Dkt #258 series

APPENDIX R: REOPEN "case splitting" case WAWD: 3:20-cv-06112-BHS:
03/16/2022 motion to reopen Dkt #49
04/01/2022 affidavits of perfected service: Dkt #158 (*see* appx S & T)
09/09 & 09/13 2021 court determination for voluntary dismissal due to the state's case splitting accusation: Dkt # # 119, 118

APPENDIX S: AFFIDAVITS of Perfected Service Dept of Veterans
APPENDIX T: AFFIDAVITS of Perfected Service Western State

APPENDIX U: FORCED DRUGGING a "Competent" individual:
20-2-07852-8 aka 3:20-cv-06112-BHS aka 20-2-07851-0 aka 557908 aka 101455-4 now here. Bypassing judicial determination *chemically lobotomizing* a "Competent" individual; 18 U.S.C. § 1621 – Perjury; No Due Process; violations of the First Amendment; infringement of the Second Amendment; violations of the Sixth Amendment; violations of the Fourteenth Amendment, violations of the ADA.
And, 20+ Years of Excessive Drugs by the Dept of Veterans
See Dkt #258 series in 2:21-cv-01276-RAJ. **Drug violations against Dept of Veterans were timely filed.**

APPENDIX V: REFERENCE LIST regarding the abuse, violence, deaths at Western State Hospital, & Eastern State Hospital.

APPENDIX W: REFERENCE LIST as filed in #2:21-cv-01276-RAJ Dkt #36-1 pp.175-179.

SUPREME COURT
OF THE UNITED STATES
On Petition for Writ of Certiorari for the Washington State Supreme Court

APPX A

CAROLYN SIOUX GREEN

v.

STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS), ET AT.,

Washington State Supreme Court
determination for reconsideration
March 27, 2023

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THE SUPREME COURT
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A1

March 27, 2023

LETTER SENT BY E-MAIL ONLY

Carolyn Sioux Green
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Sarah Jane Coats
Derek Milligan
Attorney General of Washington
P.O. Box 40124
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Re: Supreme Court No. 101455-4 - Carolyn Sioux Green v. State of Washington, DSHS, et al.
Court of Appeals No. 55790-8-II

Counsel and Carolyn Sioux Green:

On March 27, 2023, the Court received the "APPELLANT'S MOTION FOR RECONSIDERATION." The motion seeks reconsideration of this Court's order dated March 8, 2023, denying the petition for review.[1]

RAP 12.4(a) provides that a party may not file a motion for reconsideration of a Supreme Court order denying a petition for review. Therefore, no action can be taken on the motion for reconsideration.

Accordingly, although the motion has been placed in the closed file, this Court can take no further action on it.

Sincerely,

Sarah R. Pendleton
Supreme Court Deputy Clerk

SRP:bw

[1] It is noted that the Department of the Court that unanimously denied the petition for review was comprised of five of the nine Justices of this Court, a majority of the Court.

SUPREME COURT
OF THE UNITED STATES
On Petition for Writ of Certiorari for the Washington State Supreme Court

APPX B

CAROLYN SIOUX GREEN

v.

STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS), ET AT.,

Washington State Supreme Court
determination for review
March 8, 2023

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B1

THE SUPREME COURT OF WASHINGTON

CAROLYN SIOUX GREEN, Petitioner, v. STATE OF WASHINGTON, DSHS, et al., Respondents.	No. 101455-4 **ORDER** Court of Appeals No. 55790-8-II

Department II of the Court, composed of Chief Justice González and Justices Madsen, Stephens, Yu, and Whitener (Justice Johnson sat for Justice Whitener), considered at its March 7, 2023, Motion Calendar whether review should be granted pursuant to RAP 13.4(b) and unanimously agreed that the following order be entered.

IT IS ORDERED:

That the petition for review is denied. The Deputy Clerk's motion to strike the reply to the answer to the petition for review is granted. The "Appellants' Motion for Permission to Accept Friends of the Court in Support of the Petition for Review" is denied.

DATED at Olympia, Washington, this 8th day of March, 2023.

For the Court

González C.J.

CHIEF JUSTICE

SUPREME COURT
OF THE UNITED STATES
On Petition for Writ of Certiorari for the Washington State Supreme Court

APPX I

CAROLYN SIOUX GREEN

v.

STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS), ET AT.,

Court of Appeals Division–II
determination motion for reconsideration
October 13, 2022

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Filed
Washington State
Court of Appeals
Division Two

October 13, 2022

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

CAROLYN SIOUX GREEN, Appellant, v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES, et. al., Respondent.	No. 55790-8-II ORDER DENYING MOTION FOR RECONSIDERATION

Appellant Carolyn Sioux Green moves for reconsideration of the court's September 13, 2022 opinion. Upon consideration, the court denies the motion. Accordingly, it is

SO ORDERED.

PANEL: Jj. Maxa, Lee, Price

FOR THE COURT:

Maxa, J.

MAXA, P.J.

SUPREME COURT
OF THE UNITED STATES
On Petition for Writ of Certiorari for the Washington State Supreme Court

APPX J

CAROLYN SIOUX GREEN

v.

STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS), ET AT.,

Court of Appeals Division–II
unpublished opinion
September 13, 2022

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Filed
Washington State
Court of Appeals
Division Two

September 13, 2022

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

CAROLYN SIOUX GREEN, Appellant, v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES, et. al., and DOE's 1 through 1,000, Respondent.	No. 55790-8-II UNPUBLISHED OPINION

MAXA, P.J. – Carolyn Green appeals the trial court's dismissal under CR 12(b)(6) of her complaint against the State and the Department of Social and Health Services (DSHS). Green's complaint related to her detention at Western State Hospital (WSH) in 2001 pending a hearing on a petition for 14 days of involuntary treatment. However, Green did not file her complaint regarding her WSH detention until 2020, approximately 19 years later.

We hold that the trial court did not err in dismissing Green's complaint because Green failed to file the complaint within the three-year statute of limitations and she presented insufficient evidence to show that the statute of limitations should be tolled. Therefore, we affirm the trial court's order dismissing Green's complaint with prejudice.[1]

[1] DSHS also argues that Green failed to present a tort claim to the State's office of risk management 60 days before filing her complaint as required by RCW 4.92.100(1) and RCW 4.92.110. Because of our resolution of the statute of limitations issue, we do not address this argument.

FACTS

On or around July 2, 2001, Green was admitted to WSH for evaluation and treatment under a 72-hour hold and was given medication for her behavioral and mental health issues. WSH subsequently filed a petition for 14 days of involuntary treatment, which was heard on July 5. The trial court granted WSH's petition and ordered that Green be involuntarily committed at American Lake Veterans Administration Hospital (ALVAH) for an additional 14 days. Green later was detained for an additional 90 days, during which time she received treatment at home as an alternative to inpatient hospitalization.

In September 2020, Green filed a lawsuit against the State and DSHS, alleging in part that at WSH she repeatedly was medicated involuntarily and denied her right to refuse antipsychotics, that the petition for 14 days of involuntary treatment lacked proper signature, and that she did not voluntarily sign the waiver of her right to remain off medications 24 hours before her hearing. Green subsequently filed a pleading titled "Demand for Relief Sought by Plaintiff," which stated that she was seeking two billion dollars in damages and other nonmonetary relief for unlawful imprisonment; maiming of her brain and other body parts; loss of wages and economic value; and loss of life, liberty, and the pursuit of happiness.

The State filed a CR 12(b)(6) motion to dismiss with prejudice Green's complaint, arguing in part that the complaint was time barred because the statute of limitations on her claims expired in 2004. Green did not substantively respond to the State's motion to dismiss. Instead, she filed a motion for summary judgment.

The trial court granted the State's motion to dismiss with prejudice and denied Green's motion for summary judgment. Green appeals the trial court's order dismissing her complaint with prejudice.

ANALYSIS

Green argues that her claims were not time barred by the statute of limitations because equitable tolling should be applied in her case. We disagree.

A. LEGAL PRINCIPLES

RCW 4.16.080(2) provides that "[a]n action for taking, detaining, or injuring personal property, including an action for the specific recovery thereof, or for any other injury to the person or rights of another" shall be commenced within three years. This three-year statute of limitations applies to tort claims. *Woods View II, LLC v. Kitsap County*, 188 Wn. App. 1, 20, 352 P.3d 807 (2015). The statutory limitations period begins to run when the plaintiff's claim accrues. RCW 4.16.005. In general, accrual occurs "when the plaintiff discovers the salient facts underlying the elements of the cause of action." *1000 Va. Ltd. P'ship v. Vertecs Corp.*, 158 Wn.2d 566, 576, 146 P.3d 423 (2006).

However, if a person who is "incompetent or disabled to such a degree that he or she cannot understand the nature of the proceedings . . . the time of such disability [as determined according to chapter 11.88 RCW] shall not be a part of the time limited for the commencement of action." Former RCW 4.16.190(1) (2006). The party asserting entitlement to tolling bears the burden of proof. *Price v. Gonzalez*, 4 Wn. App. 2d 67, 75, 419 P.3d 858 (2018).

In addition, equitable tolling of the statute of limitations may apply when justice requires. *Id.* The party asserting that equitable tolling should apply bears the burden of showing (1) bad faith, deception, or false assurances on the part of the defendant and (2) that the plaintiff acted with reasonable diligence. *Id.*

B. ANALYSIS

Green's complaint, filed in 2020, related to events that occurred during her involuntary detention at WSH in July 2001. Green's claim accrued at that time. As a result, absent any tolling, the statute of limitations expired in July 2004.

Green argues that the statute of limitations was tolled. To the extent that her argument can be construed as implicating former RCW 4.16.190(1), her argument fails because the evidence she presented in the trial court does not support her claim that she had a mental disability that prevented her from understanding the nature of the proceedings at any time between July 2001 and 2020. In fact, as the State points out, the evidence shows that during this period Green graduated with honors from Pierce College in 2010 and graduated from the University of Washington – Tacoma with a degree in environmental science in 2014.

Green primarily argues equitable tolling. However, she fails to provide any meaningful evidence or analysis showing both bad faith, deception, or false assurances on the part of DSHS and that she acted with reasonable diligence.

Accordingly, we hold that the trial court did not err when it dismissed Green's complaint with prejudice based on the statute of limitations.

CONCLUSION

We affirm the trial court's order dismissing Green's complaint with prejudice.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

Maxa, J.

MAXA, P.J.

We concur:

J, J

LEE, J.

Price, J.

PRICE, J.

Additional material from this filing is available in the Clerk's Office.