

IN THE KING COUNTY DISTRICT COURT - WEST DIVISION
STATE OF WASHINGTON - SEATTLE COURTHOUSE

GLENN HAGELE - "COUNCIL)
FOR REFRACTIVE SURGERY)
QUALITY ASSURANCE")
)
Plaintiff,)
)
v.)
)
BRENT HANSON)
)
Defendant)
_____)

SMALL CLAIM NO. 85-11924

DEFENDANT'S MOTION TO QUASH
SERVICE OF SUMMONS



DATE: December 23, 2008
TIME: 1:30 p.m.
ROOM: E-341

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1) Defendant's Motion to Quash Summons for Lack of Proper Service

Defendant Brent Hanson enters a Special Appearance and moves this Court to quash service of summons. In support of his motion, Defendant states:

On or about November 3, 2008 Plaintiff filed a Notice of Small Claim at the Seattle Courthouse with a claim of \$5,000 for "cost of resolution of inappropriate Internet domain name created by Defendant". According to Washington law, service may be accomplished by any of the following:

The Sheriff's Office;

A process server;

Any person of legal age (18) who is not connected with the case either as a witness or as a party; or

By mailing the copies to the defendant by registered or certified mail with a return receipt requested.

As set forth in the Affidavit of Brent Hanson attached hereto, service was not accomplished by a Sheriff's deputy, a person who is not connected with the case, or by mailing the copies to the Defendant by registered or certified mail with a return receipt requested.

Defendant first learned of this lawsuit on December 10, 2008 when Plaintiff sent an e-mail containing a scanned copy of a complaint to the National Arbitration Forum. Plaintiff's complaint to the National Arbitration Forum is an action to seek control of the domain name www.usaeyes.us, which is currently owned by the Defendant. Plaintiff sent a copy to Defendant's e-mail account. Buried within the complaint to the National Arbitration was a scanned copy of SMALL CLAIM NO. 85-11924, as [Annex 27-CRSQA v Hanson.pdf](#).¹ This annex was contained within a voluminous compressed computer file of documents, and does not meet the legal requirements set forth under RCW 4.28.100 for proper service.

A scanned document was contained within [Annex 27-CRSQA v Hanson.pdf](#) titled "Offer and Compromise" which was dated December 3, 2008.² The letter purports to be sent from Plaintiff to Defendant "via personal service" and includes the following false statement:

"You have now been served, with the above referenced small claim action against you"

The letter also contained an invalid mailing address for Defendant, which is actually the address for the leasing office of an apartment complex, The Lodge at Peasley Canyon.³

¹ [Exhibit 1](#) – Image of e-mail and zip file Plaintiff sent to Defendant.

² [Exhibit 2](#) – Letter purportedly mailed from Plaintiff to Defendant, dated December 3, 2008.

Defendant believes that Plaintiff may have already submitted a falsified or fraudulent proof of service, or plans to submit such a document to the Court on December 23, 2008. The Plaintiff has a long history of falsifying documents and filing fraudulent complaints with government agencies against Defendant and others. On some occasions Plaintiff's purpose has been to either obtain default judgements, or to create situations in which Defendants are in violation of injunctions of which they have no knowledge. While Defendant will never fully know how many documents the Plaintiff has falsified, some examples are provided below for illustrative purposes.

2) Background of Plaintiff

a) Attempt to Obtain Default Judgement Against Defendant Through Submission of Falsified Proof-of-Service in California

In February 2006 Plaintiff filed a lawsuit in California against Defendant. The complaint alleged that Defendant published a letter from a collection agency in Illinois for damages that were obtained by Defendant in a default judgement against Plaintiff in small claims court.⁴ Plaintiff later amended his lawsuit to include complaints that Defendant had published various public documents about the Plaintiff, including tax liens against Plaintiff by the IRS, State of California, and the District Attorney of Sacramento, in addition to a bankruptcy in the amount of \$430,000.⁵ An attorney in California for this action represented Defendant after Plaintiff published a copy of the lawsuit on the Internet. Plaintiff never served Defendant with a copy of the lawsuit, but instead obtained a default judgement by submitting a falsified "proof of service" to the Court in Sacramento.^{6,7,8} The following letter from Defendant's attorney to Plaintiff's attorney summarizes the situation as:

It is interesting to note that you chose to serve my office with the Notice of Entry. However, you failed to provide my office with any proof of service of the Summons and Complaint before you ran off to the Court to request default. As you may recall, I have told you in the past that my office will be representing Mr. Hanson's interests, if and when he is ever served with the Summons and Complaint. I wrote you back on May 23, 2006, following our telephone conversation on that subject. You agreed to provide me

³ Exhibit 3 – Images from YellowPages.com for address of The Lodge at Peasley Canyon, and from the apartment complex's web site.

⁴ Exhibit 4 – Letter from Ace Judgment Recovery Service to Defendant, dated May 9, 2005, which Plaintiff alleges Defendant has published.

⁵ Exhibit 5 – Public documents that Plaintiff alleges Defendant has published.

⁶ Exhibit 6 – Glenn Hagele v. Brent Hanson, Case No. 06AS00838, Sacramento Superior Court. Declaration of Brent Hanson in support of motion to set aside default and motion to quash service of summons for lack of personal jurisdiction, dated October 24, 2006.

⁷ Exhibit 7 – Glenn Hagele v. Brent Hanson, Case No. 06AS00838, Sacramento Superior Court. Declaration of James R. Donahue in support of motion to set aside default and motion to quash for lack of personal jurisdiction, dated October 24, 2006.

⁸ Exhibit 8 – Glenn Hagele v. Brent Hanson, Case No. 06AS00838, Sacramento Superior Court. Memorandum of points and Authorities in support of motion to set aside default.

*with notice in the event you achieved service of the Sacramento County Action on Mr. Hanson.*⁹

The Court eventually overturned the default judgment that was obtained by Plaintiff. The case is still active.

b) Claim That He Would Be “Willing to Sink as Far as Necessary” in Order to Destroy His “Enemies”

On March 16, 2006, Plaintiff sent an e-mail to Dominic Morgan, a resident of Pennsylvania who operates various web sites that criticize laser eye surgery. Dominic Morgan later published this e-mail on at least one of his web sites. In the e-mail Plaintiff made statements which included the following:¹⁰

“The rancor you have seen the past two months has most certainly cost me some credibility, however it was for a purpose to resolve it all and that purpose has almost been met.

Keep in mind that although I know about Hanson's two bankruptcies, skipping out on people, federal fraud, ownership of LasikFlap, sexual orientation, additional acts of judicial contempt, and sending defaming emails to all of our doctors, I have not announced any of it although I have all the documentation to substantiate.

The same is true regarding Keller's implication of her business in defamation on LasikDisaster, Cofer stupidly involving her employer, or Burch's defamation of her former employer. Yes, what I have said about them has been bad, but it most certainly could be worse for them - and worse for me. I'm willing to sink as far as necessary, but not all the way down to their level.

Everything is now in motion. Keller is no longer responding and Maloney already has his law firm in motion, so there is nothing to say there. Hanson is just a matter of time before he has fully crashed and burned.

Cofer/Keller/Burch have done just about as much damage to themselves as I could expect. The FBI is now involved, as is the US Trustee.

The dust will be settling now and it should be very quiet. Unless, of course, we hear from Hanson, Cofer, Keller, and Burch about their difficulties and demise.”

⁹ Exhibit 9 – Letter from Caulfield, Davies & Donahue, LLP, to the Law Offices of Greg Peterson, dated September 21, 2006.

¹⁰ Exhibit 10 – E-mail sent from Plaintiff to Dominic Morgan, dated March 16, 2006.

c) Attempt to Fire a Scientist by Creating a Falsified Document and Submitting it to the National Institute of Environmental Health Sciences

On or about May 2007 Plaintiff forged Dr. Lauranell Burch's name on to a documented titled "*THE LASIK REPORT - A Call for the Discontinuation of a Harmful Procedure*". After forging her name on the document, he then submitted it to her employer, the National Institute for Environmental Health Sciences, through the American Society of Cataract and Refractive Surgeons and demanded that she be fired for using the agency's resources to publish a "non-official" document.

On August 26, 2007 Plaintiff published the following statement on a USENET newsgroup:

*"The fantasy that Burch calls "The LASIK Report", fully attributed to her, is being distributed to all doctors cited, Burch's employer the NIEHS, her co-authors of previous studies, and most importantly the foundations and medical companies who contribute to fund research at the NIEHS. It seems highly doubtful to me that any medically related firm or foundation would want to continue funding any research at a facility that employs someone who deliberately propagates manipulated medical studies to forward her own agenda."*¹¹

On September 5, 2008 The Executive Director of the American Society of Cataract and Refractive Surgery sent an e-mail to Defendant which stated:

Concerning the August 2006 LASIK Report (http://thelasikreport.com/TheLasikReport_Aug2006.pdf) and discussions on your Web site. Late last week, a copy of the "LASIK Report" was forwarded by Mr. Glenn Hagele to a member of the American Society of Cataract and Refractive Surgery (ASCRS) Executive Committee. The Report, in the form of an Adobe PDF file, included text indicating that it had been distributed by Laurenelle (sic) Burch, PhD., an employee of the National Institute of environmental and Health Sciences (NIEHS).

The document was forwarded to ASCRS staff, who contacted NIEHS to determine if the Report was an agency document or if it reflected agency policy. The response of the NIEHS director of communications was that the Report is not an agency document and was a private matter of Dr. Burch.

*ASCRS wishes to make it very clear that it does not have, and has never had, any business relationship, formal or informal, with Mr. Hagele or any of his activities.*¹²

On September 5, 2007, an attorney from the firm of Jenner & Block LLP sent a follow-up e-mail to defendant that stated:

¹¹ Exhibit 11 – <http://groups.google.com/group/alt.lasik-eyes/msg/944533eafd348b41>

¹² Exhibit 12 – E-mail sent from David Karcher, the Executive Director of the American Society of Cataract and Refractive Surgery to Defendant on September 5, 2007.

I am legal counsel for ASCRS. I have reviewed the email correspondence and the Refractive Surgery News article on the LASIK Report that was published yesterday (<http://www.lasikfraud.com/news/archives/000164.html>).

The first statement in that article reads, in pertinent part: "On August 28, John Ciccone, Communications Director of ASCRS (American Society of Cataract and Refractive Surgery) submitted a falsified version of THE LASIK REPORT: A Call for the Discontinuation of a Harmful Procedure to a government agency , at the request of Glenn Hagele"

Now that you have ASCRS's clarification (see below), you can readily see that this statement is false and defamatory. Mr. Ciccone merely passed a document he received along to a government agency and asked the agency to confirm whether the report was an agency document or reflected agency policy. He did not falsify the document or knowingly accept and submit a falsified document as your statement suggests.¹³

On September 6, Plaintiff published the following statement on a USENET newsgroup:

For the record, I've not altered "The Lasik Report" and I'm not involved with or responsible for whatever ASCRS may have or may not have done.¹⁴

On September 26, Plaintiff published the following statement on a USENET newsgroup:

LOL. We don't have business relationships with any of the major ophthalmic organizations. We have no need and neither do they. As for "The Lasik Report", I gave ASCRS nothing and said nothing to them about it. I don't know where they got "The Lasik Report", but Burch et al have been spamming this newsgroup with links so it does not take a genetics researcher to figure out where it came from. It looks like Burch is trying to blame me for ASCRS complaining about a document for which I have absolutely no responsibility.

Dr. Luranell Burch is currently suing Plaintiff for this action, in addition to Plaintiff's threats against her mother.¹⁵ The judge has ordered all of the members of his organization to be included as defendants.¹⁶

d) Boasts of Opening Up "The Very Deep Pockets of a Florida Credit Union" in a Scheme for Money

On March 2, 2006, Plaintiff's former attorney sent a letter to Paula Cofer at the Railroad Industrial Federal Credit Union in Florida, in which he demanded the following:

¹³ Exhibit 13 – E-mail sent from Robert Portman, Jenner & Block LLP to Defendant on September 5, 2007.

¹⁴ Exhibit 14 – <http://groups.google.com/group/alt.lasik-eyes/msg/ac6efbf0ce8b6657>

¹⁵ Exhibit 15 – Glenn Hagele v. Luranell Burch. *First Amended Answer and Counterclaims.*

¹⁶ Exhibit 16 – Glenn Hagele v. Luranell Burch. *Order Adding Counter-Defendant.*

“Immediately remove or cause to be removed [from] all publicly accessible Internet newsgroup, bulletin board, or chat room statements about him, his employer, and/or his business associates, which may be decided by the court as defamatory and refrain from publishing or republishing any and all future statements that may be considered defamatory”¹⁷

part: On March 7, 2006, Paula Cofer sent a letter to Plaintiff’s former attorney, which stated in

I am unaware of any material that I have written that is not either fact or clearly my opinion to any person of reasonable intelligence. Just days ago I was made aware of material published on the website lasikdisaster.com regarding Glenn Hagele and had it taken down immediately. That web page was not accessible via any of the navigation on the site. According to the previous owner of the site, it was an old page that was merely stored on the server. I did not even know it existed.

I would be willing to consider removal of any individual posts that Glenn Hagele alleges to be libelous if you would be so kind as to provide URLs to them. I would like the opportunity to seek legal counsel if necessary to determine if they meet the legal definition of defamation and/or libel. I am also unaware of any email messages that could be considered libelous. If you would be so kind as to provide documentation of those, I will also consider them for retraction.

I am unaware of any material that I have written that is not either fact or clearly my opinion to any person of reasonable intelligence. Just days ago I was made aware of material published on the website lasikdisaster.com regarding Glenn Hagele and had it taken down immediately. That web page was not accessible via any of the navigation on the site. According to the previous owner of the site, it was an old page that was merely stored on the server. I did not even know it existed.

I would be willing to consider removal of any individual posts that Glenn Hagele alleges to be libelous if you would be so kind as to provide URLs to them. I would like the opportunity to seek legal counsel if necessary to determine if they meet the legal definition of defamation and/or libel. I am also unaware of any email messages that could be considered libelous. If you would be so kind as to provide documentation of those, I will also consider them for retraction.

...

Glenn Hagele also exposed me to potential harm by revealing my true identity to a character using the alias Ragnar. Ragnar lives in the same community as I do and I am fearful of him because he appears to be an angry, unstable individual and has made threats against another LASIK patient with complications. I hope that these letters do

¹⁷ Exhibit 17 – Letter sent from Plaintiff’s attorney to Paula Cofer, dated March 2, 2006.

not find their way into the public domain because they contain my work address and phone number. I certainly do not want “Ragnar” knowing how to locate me or call me.

Regarding item number 8 of the attachment, I have never, and would never use such a tasteless and offensive internet alias as LasikSucks. I demand retraction of this false statement as well.

This entire matter has caused me great emotional distress, damage to my reputation and is interfering in my ability to perform my job.¹⁸

On March 16, 2006, Plaintiff sent an e-mail to Dominic Morgan, in which he bragged that he had opened up “*the very deep pockets of a Florida Credit Union*”

Keller has clearly defamed Dr. Maloney and implicated both Cofer and Burch. Maloney is preparing to sue Keller and quite possibly Cofer and Burch. Cofer stupidly responded to my attorney's demand letter with accusations and further defamation against me on the letterhead of her employer, signed it as a representative of her employer, faxed it with a cover sheet from her employer, and sent it from her employer's fax, implicating her employer in her defamation and opening up the very deep pockets of a Florida credit union.¹⁹

Plaintiff subsequently published Paula Cofer’s date of birth, address, phone, e-mail, social security number, and driver’s license on a web page titled “Paula Cofer Personal Identity Verification”.²⁰ Christopher Roiland, the individual described as “Ragnar” in the letter from Paula Cofer to James Clinchard was subsequently arrested on a felony charge of attempting to obtain a controlled substance by fraud.²¹

e) Submission of a Forged “Proof of Service” Document Regarding Defendant, to a Court in North Carolina

On or around December 10, 2007, Defendant obtained a TRO prohibiting a scientist in North Carolina, Dr. Lauranell Burch, from publishing “personal” information about Plaintiff. The TRO also prohibited Defendant publishing personal information as defined in N.C. General Statutes 75-66(c). Plaintiff later submitted a falsified proof of service to the Court with an affidavit, claiming that Defendant had violated the TRO. However, Plaintiff in fact never served Defendant with the TRO, and refused to provide a copy of the document until Defendant’s attorney demanded it. Defendant had no knowledge of the TRO until Plaintiff had published a public announcement of his successful action in obtaining a TRO. In his affidavit, Plaintiff falsely stated that:

¹⁸ Exhibit 18 – Letter sent from Paula Cofer to Plaintiff’s attorney, dated March 7, 2006.

¹⁹ Exhibit 10 – E-mail sent from Plaintiff to Dominic Morgan, dated March 16, 2006.

²⁰ Exhibit 20 – Image of web page published by Plaintiff.

²¹ Exhibit 21 – Arrest record of Christopher Roiland, and excerpts of internet postings between Plaintiff and Roiland.

“In addition to serving Ms. Burch, we served the Temporary Restraining Order on Brent Hanson in Kirkland, Washington at approximately 4:00 p.m. P.S.T. on December 11, 2007. A copy of the Affidavit of Service is attached hereto as Exhibit B.”^{22, 23}

The TRO was rescinded shortly thereafter when the judge evaluated the facts of the case.²⁴

f) False Claim Against Defendant to a Bankruptcy Court in North Carolina

On or about May 12, 2006 Plaintiff submitted a complaint to a bankruptcy trustee in North Carolina alleging that Defendant had defrauded the Court by failing to report wages earned in Texas, while Defendant actually was living in North Carolina. The complaint falsely claimed that Defendant:

... earned regular wages of \$8,377.86 as an employee of Snelling Personnel Services, corporate headquarters located at 12801 N. Central Express Parkway, Dallas, TX, 75243.²⁵

The bankruptcy trustee rejected the complaint.

g) False Claim that Defendant’s Web Site Was Shut Down Due to a “Federal Fraud Investigation”

On May 18, 2006 Plaintiff published a message on Yahoo that stated:

LasikFraud Website Removed

Brent Hanson of LasikFraud.com has frequented this bulletin board with rather wild accusations about Alcon.

Due in part to apparent illegal activity and investigation of federal fraud, the LasikFraud.com website had been removed.

This may be a temporary change, however it appears that this may be a permanent removal of the website at this domain.²⁶

²² Exhibit 22 – Glenn Hagele v. Laurantell Burch. Affidavit of Glenn Hagele dated December 18, 2007.

²³ Exhibit 23 – Glenn Hagele v. Laurantell Burch. Falsified proof of service that claims Defendant was served with a preliminary injunction in Kirkland, WA. Defendant was in downtown Seattle at the time.

²⁴ Exhibit 24 – Glenn Hagele v. Laurantell Burch. *Order Denying Motion for Preliminary Injunction*, dated December 27, 2007.

²⁵ Exhibit 25 – Letter from Plaintiff to Richard Hutson as Chapter 13 Standing Trustee of the US Bankruptcy Court of the Middle District of North Carolina.

²⁶ Exhibit 26 – http://messages.finance.yahoo.com/Business_%26_Finance/Investments/Stocks_%28A_to_Z%29/Stocks_A/threadview?bn=26978&tid=2369&mid=3408

Defendant performed research to learn how and why the web site had been shut down. An attorney in New York contacted Tucows, a domain registrar in Canada on behalf of Defendant, as Defendant had learned that they had deactivated the domain name of LasikFraud.com. The attorney informed Defendant that Tucows had received a communications from Plaintiff alleging that a bankruptcy court had ordered the domain name to be turned over to Plaintiff, as the result of a bankruptcy fraud investigation. Tucows reactivated the domain name following its conversation with the attorney.

h) Speech to the FDA Claiming to Represent a LASIK Patient, After Threatening Her

On May 6, 2003, Plaintiff published statements about Sandy Keller, a woman in California, which included the following:

That's enough Sandy. I am fed up with your whimpering and whining. I have volunteered for years, since long before excimer laser ever came about and long before you decided to have LASIK, for the National Federation of the Blind (NFB). I have been a member of the President's Club since the mid 1980s. I can tell you that these fine people, who are functionally or totally blind and don't have options for vision restoration, would take you to task for even suggesting that they or someone who has functional but disrupted vision have "shattered" lives.

Your suggestion that someone who needs a corneal transplant to restore vision has a "shattered" life is offensive, rude, abusive, and mean spirited. Who the hell are you to tell these people their lives are shattered?

...

Why don't you visit the NFB's convention this July and tell them how your life is so terribly shattered because your 20/20 vision is distorted and you won't have a transplant. How dare you insult these fine people by characterizing your wimpy-ass problems as "shattering" your life.

You just don't get it Sandy. You never have and you never will. The world doesn't give a damn about Sandy Keller and her little problems, because the world knows what real problems are. You are a mosquito in the Taj Mahal. You go on and on about how you had to do this and have to do that while there are people out there functioning perfectly well without a complaint who don't have any vision at all. Then you have the audacity to characterize them as having "shattered" lives. You are the worst kind of zealot. You are so full of yourself and your "problems" that you don't see or give a damn about people who really do have difficulties and challenges.²⁷

On May 29, 2006, Plaintiff published the following article regarding Sandy Keller:

²⁷ Exhibit 27 – http://www.glennhagele.com/rbdata/keller_nfb.htm

*The personal identity information for Sandra Keller (aka Sandy Keller, Sandra J. Terzis, Sandra J. Dean) including name, address, date of birth, Social Security number, driver's license number, etc., and similar information about known associates will be published here as soon as a legal determination affirms propriety.*²⁸

On April 25, 2008 Plaintiff presented a tearful presentation to the FDA on behalf of Sandy Keller.

MR. HAGELE: *I am Glenn Hagele. These are the words of Sandy Keller.*

My name is Sandy Keller. I was a three and a half diopter myope before I had LASIK in Los Angeles in late 1999.

...
I felt into deep depression over my vision problems, the betrayal of my optometrist and the incompetence of my surgeon. One night while preparing dinner, I looked at a knife on the counter, and I had the thought that if I stabbed my right eye, at least I could put aside the hope that it would ever be fixed. The thought frightened me, and I sought psychiatric help.

Along with severe depression, I was given a diagnosis of post-traumatic stress disorder. I worked with my psychiatrist for many months. My business suffered. I was unable to concentrate or make timely decisions on important matters. There were times that I wanted to die and rid my family of the burden I had become.

The hyper-correction my surgeon performed caused the DLK - I'm sorry.

CHAIRPERSON WEISS: *If you would prefer, we can go to the next speaker.*

MR. HAGELE: *The unfortunate next speaker is me.*

CHAIRPERSON WEISS: *Well, Mr. Hagele, no problem. We can go to Mr. Morgan, and we will suspend the rules and come back to your next two talks. So no problem.*²⁹

i) Fraudulent Certifications Issued to Laser Eye Surgeons

Plaintiff, as the sole employee of CRSQA, publishes advertisements claiming to have issued “Certifications” to laser eye surgeons attesting to their surgical skill. However, the statements in his advertisements are fraudulent because Plaintiff acknowledges in one of his own depositions that [REDACTED].

²⁸ [Exhibit 28 – http://www.glennhagele.com/sandykeller/sandy-keller-personal-identity.htm](http://www.glennhagele.com/sandykeller/sandy-keller-personal-identity.htm)

²⁹ [Exhibit 29](#) – Excerpts of transcript from of Medical Devices Advisory Committee Ophthalmic Devices Panel, on April 25, 2008.

Excerpts from a deposition taken on May 3, 2007 in Sacramento, California, are provided as follows:

Excerpt #1³⁰

Jim Donahue [REDACTED]

Glenn Hagele [REDACTED]

Jim Donahue [REDACTED]

Glenn Hagele [REDACTED]

Jim Donahue [REDACTED]

Glenn Hagele [REDACTED]

Jim Donahue [REDACTED]

Glenn Hagele [REDACTED]

Jim Donahue [REDACTED]

Glenn Hagele [REDACTED]

Jim Donahue [REDACTED]

Glenn Hagele [REDACTED]

Jim Donahue [REDACTED]

Glenn Hagele [REDACTED]

Jim Donahue [REDACTED]

Glenn Hagele [REDACTED]

Jim Donahue [REDACTED]

Glenn Hagele [REDACTED]

Jim Donahue [REDACTED]

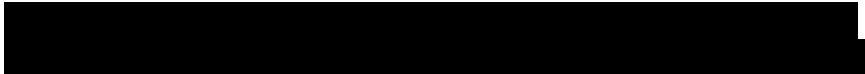
Glenn Hagele [REDACTED]

Jim Donahue [REDACTED]

Glenn Hagele [REDACTED]

³⁰ Exhibit 30 – Hagele vs. Hanson. Deposition of Glenn Hagele by James R. Donahue on May 3, 2007. Video excerpt is on a supplemental CD with a filename of “Exhibit 30 - Deposition of Hagele on 2007-05-07.mpg”. Viewable by Windows Media Player.

Jim Donahue



Glenn Hagele



Excerpt #2³¹

Jim Donahue



Glenn Hagele



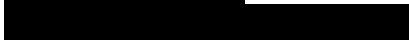
Jim Donahue



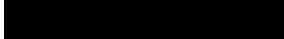
David Foos



Glenn Hagele



David Foos



Jim Donahue



Glenn Hagele



j) Fraudulent Claims of Representing Laser Eye Surgeons

Plaintiff has a long history of publishing documents on his web site at USAEyes.org claiming that various surgeons are members of CRSQA, even when surgeons are not members of CRSQA. One recent example is his current advertisement that Dr. Kerry Assil is a member of CRSQA. The advertisement states:

*Kerry Assil, MD Certified Since August 24, 2007. CRSQA Certified, Quality Verified, Refractive Surgeon.*³²

However, in a letter Dr. Kerry Assil states that:

³¹ Exhibit 31 – Hagele vs. Hanson. Deposition of Glenn Hagele by James R. Donahue on May 3, 2007. Video excerpt is on a supplemental CD with a filename of “Exhibit 31 - Deposition of Hagele on 2007-05-07.mpg”. Viewable by Windows Media Player.

³² Exhibit 32 – Image of <http://www.usaeyes.org/lasik/doctor/california/los-angeles/kerry-assil-bio.htm> captured on December 12, 2008.

*Dear Mr. Hanson: I am not a member of Council for Refractive Surgery Quality Assurance, which is also known as CRSQA and USAEyes. Any statements made on web sites that claim I am a member of CRSQA, are incorrect.*³³

k) False Statements on Wikipedia that Led to Plaintiff's Expulsion, and Removal of His Articles

Plaintiff published multiple articles on Wikipedia.org to promote CRSQA and criticize his "enemies". On December 4, 2008, the editors of Wikipedia.org deleted all articles by Plaintiff, and all links he had posted on the site. An excerpt from the editors' discussion states that:

Once the hype related to self-promotion or character assassination is removed, there seems to be little notability about this organisation. It says it's a non-profit watchdog organization for consumers, but it makes its money from certifying physicians; the bulk of its citations from Wikipedia are to unsourced articles that refer readers to directories of member physicians. Wikipedia notability requires significant coverage by reliable sources; search results for this organization provide only passing quotes in news articles or unrelated articles about personal privacy issues. I could find no direct links to the mainstream articles (O Magazine, etc.) promoted by the org's press releases. Flowanda / Talk 05:57, 29 November 2008 (UTC)

- ***Delete.** The article at present lacks reliable sources that comment on the importance of this organization. Some time back, it had more references, but they appeared to be self-promotional and they got removed by people who were doing cleanup. Having looked at the history I don't see anything that I would care to restore as a reference at this moment. In the Google results, this WP article is at the top of the rankings next only to CRSQA's own website, which is a suggestion that the organization is not too well known on the web. EdJohnston (talk) 17:16, 29 November 2008 (UTC)*

l) Threats to Publish the Social Security Numbers of Nine Individuals

On or around June 2006, Plaintiff threatened to publish the social security numbers of nine individuals, on a web site which plaintiff controls. Excerpts from his web site include the following statements:³⁴

Victim #1 – Ariel Berschadsky, an Individual in New York

Ariel Berschadsky Personal Identity Information

The personal identity information for New York attorney Ariel Berschadsky, including name, address, date of birth, Social Security number, driver's license number, etc., and similar information about known associates will be published here as soon as a legal determination affirms propriety.

³³ Exhibit 33 – Letter sent from Dr. Kerry Assil to Defendant on December 15, 2008.

³⁴ Exhibit 34 – Pages from Plaintiff's web site, captured on June 1, 2006.

For an explanation why it may be possible to publish this person's personal identity, click [Publish Personal Identity](#).

Victim #2 – Brent Hanson, an Individual in North Carolina

Brent Hanson

The personal identity information for Brent Hanson, including name, address, date of birth, Social Security number, driver's license number, etc., and similar information about known associates will be published here as soon as a legal determination affirms propriety.

For an explanation why it may be possible to publish this person's personal identity, click [Publish Personal Identity](#).

Victim #3 – Sandy Keller, an Individual in California

Sandy Keller Personal Identity Information

The personal identity information for Sandra Keller (aka Sandy Keller, Sandra J. Terzis, Sandra J. Dean) including name, address, date of birth, Social Security number, driver's license number, etc., and similar information about known associates will be published here as soon as a legal determination affirms propriety.

For an explanation why it may be possible to publish this person's personal identity, click [Publish Personal Identity](#).

Victim #4 – Richard Zickefoose, an Individual in Wyoming

Richard Zickefoose Personal Identity Information

The personal identity information for Richard Zickefoose, including name, address, date of birth, Social Security number, driver's license number, etc., and similar information about known associates will be published here as soon as a legal determination affirms propriety.

For an explanation why it may be possible to publish this person's personal identity, click [Publish Personal Identity](#).

Victim #5 – Paula Cofer, an Individual in Florida

Paula Cofer Personal Identity Information

The personal identity information for Paula Cofer, including name, address, date of birth, Social Security number, driver's license number, etc., and similar

information about known associates will be published here as soon as a legal determination affirms propriety.

For an explanation why it may be possible to publish this person's personal identity, click [Publish Personal Identity](#).

Victim #6 – Luranell Burch, an Individual in North Carolina

Luranell Burch Personal Identity

The personal identity information for Luranell Burch, including name, address, date of birth, Social Security number, driver's license number, etc., and similar information about known associates will be published here as soon as a legal determination affirms propriety.

For an explanation why it may be possible to publish this person's personal identity, click [Publish Personal Identity](#).

Victim #7 – Elvira Galindo, an Individual in Texas

Elvira Galindo Personal Identity Information

The personal identity information for Elvira Galindo, including name, address, date of birth, Social Security number, driver's license number, etc., and similar information about known associates will be published here as soon as a legal determination affirms propriety.

For an explanation why it may be possible to publish this person's personal identity, click [Publish Personal Identity](#).

Victim #8 – Dominic Morgan, an Individual in Pennsylvania

Dominic Morgan Personal Identity

The personal identity information for Dominic Morgan, including name, address, date of birth, Social Security number, driver's license number, etc., and similar information about known associates will be published here as soon as a legal determination affirms propriety.

For an explanation why it may be possible to publish this person's personal identity, click [Publish Personal Identity](#).

Victim #9 – Dean Kantis, an Individual in Florida

Dean Andrew Kantis

The personal identity information for Dean Kantis, including name, address, date of birth, Social Security number, driver's license number, etc., and similar information about known associates will be published here as soon as a legal determination affirms propriety.

For an explanation why it may be possible to publish this person's personal identity, click [Publish Personal Identity](#).

WHEREFORE, for the foregoing reasons, Defendant respectfully requests that the Court enter an order to quash the service of summons.

This the 19th day of December, 2008.

Brent Hanson
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