

high school diploma, and is not qualified to issue such “certifications”. This is illustrated by the Plaintiff’s own statements he provided in a deposition on May 3, 2007 in Sacramento, California:

Excerpt #1²

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]

Jim Donahue [REDACTED]

Glenn Hagele [REDACTED]

Glenn Hagele [REDACTED]

² 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.

Excerpt #2³

Jim Donahue

Glenn Hagele

Jim Donahue

David Foos

Glenn Hagele

David Foos

Jim Donahue

Glenn Hagele

Excerpt #3⁴

Jim Donahue

Glenn Hagele

Jim Donahue

Glenn Hagele

Jim Donahue

Glenn Hagele

Jim Donahue

Glenn Hagele

³ 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.

⁴ Exhibit 51 – 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 51 - Deposition of Hagele on 2007-05-07.mpg”. Viewable by Windows Media Player.

Jim Donahue

Glenn Hagele

Excerpt #4⁵

Jim Donahue

Glenn Hagele

Jim Donahue

Glenn Hagele

4. The Defendant operates web sites at *LASIKFRAUD.COM* and *USA EYES-FRAUD.COM* that exposes the fraud perpetrated on the public by Glenn Hagele, Michael Mockovack, and Joseph King.

5. The Plaintiff has conducted a campaign to intimidate and silence the Defendant. As part of his campaign, Plaintiff hired a private investigator to conduct surveillance on the Defendant. In the course of the surveillance, the private investigator and Glenn Hagele violated RCW 9.35.020 (Identity theft), RCW 9.26A.140 (Unauthorized sale or procurement of telephone records), RCW 2.48.180 (Unlawful practice a crime), and RCW 18.165.160 (Unprofessional conduct) in King County.

6. The Plaintiff's private investigator began sending unsolicited e-mails to the Defendant in November 2008 using an anonymous e-mail account at firewater@hotmail.com. In the first e-mail the private investigator wrote that

I will keep this very short and to the point. I have been working for Glenn for 14 months now.

I have everything imaginable that will blow the doors wide open in your case (not to mention your other associates, especially Nell) against Mr. Hagele. Do not ask me why I am doing this. That is my business, and between me and Glenn alone. I will provide documentation to your attorneys along with sworn statements, but I will not testify in person. What I have to offer you is not civil information for your current case proceedings. It is undisputed criminal activities that without a shadow of a doubt can be proved in front of a judge. Believe me, my friend, all of your attorneys will be salivating at the mouth.⁶

On November 6, 2008, the private investigator sent an e-mail to the Defendant in which he stated:

⁵ Exhibit 52 – 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.

⁶ Exhibit 53 – Unsolicited e-mail Plaintiff's private investigator sent to Defendant on November 6, 2008, with a timestamp of 12:12:33.

*Although it was very cute for your attorney to contact me directly, this information is far from free. I already have my law degree, so if your attorney is trying to hook me, it won't work. I told you that I refuse to show up for any proceedings. So, on that note, I will deal with either you, Paula, or Nell, or we can forget about me ever writing you to begin with.*⁷

The offer by the private investigator to sell information regarding Glenn Hagele to the Defendant violated RCW 18.165.160 (Unprofessional conduct). The statement by the private investigator that he has a law degree is a violation of RCW 2.48.180 (Unlawful practice a crime). The Plaintiff is liable for the conduct of his private investigator under the doctrine of vicarious liability.

7. On November 7, 2008, the private investigator forwarded an e-mail from Glenn Hagele to Defendant's attorney, to verify the authenticity of his claims about working for the Plaintiff. The forwarded message showed a return address of glenn.hagele@usaeyes.org and included the Defendant's social security number, vehicle insurance policy number, telephone, address, photographs, license plate number, VIN, and previous residential addresses. The forwarded message showed that Glenn Hagele had requested the private investigator utilize the preceding personal information to obtain additional information, including the Defendant's place of employment and name of supervisor. In the e-mail, the Plaintiff wrote:

*Do you have a PayPal account? All tasks require the utmost discretion.*⁸

The Plaintiff's suggestion that the private investigator accept payment with a Pay Pal account demonstrated his intention to engage in untraceable money transactions. The transmission of the Defendant's social security number and other personal information to the private investigator for criminal purposes violated RCW 9.35.020. The Plaintiff's request for the private investigator to obtain additional information regarding the Defendant violated RCW 9.26A.140.

8. As a consequence of the violations of RCW 9A.82.060, RCW 9.35.020, RCW 2.48.180, RCW 18.165.160, and RCW 9.26A.140, Defendant has been damaged in the amount of \$5,000. Pursuant to RCW 9A.82.100, Defendant is entitled to the recovery of his actual damages, costs of the suit, and attorney's fees.

WHEREFORE, Defendant, Brent Hanson prays that the Court:

1. Enter judgment in favor of Defendant and against Plaintiff.
2. Award Defendant his attorney's fees.
3. Impose a civil penalty against the Plaintiff, as prescribed by RCW 9A.82.100 (1)(d) – Remedies and procedures for criminal profiteering

⁷ Exhibit 54 – Unsolicited e-mail Plaintiff's private investigator sent to Defendant on November 6, 2008, with a timestamp of 16:25:41.

⁸ Exhibit 55 – E-mail Plaintiff's private investigator sent to Defendant's attorney on November 7, 2008.

4. Order the forfeiture of Plaintiff's payments to his private investigator as restitution to the Plaintiff, as prescribed by RCW 9A.82.100 (3)(f)(iii).
5. Order Michael Mockovak, MD to divest himself of any interest, direct or indirect, in "Council for Refractive Surgery Quality Assurance", as prescribed by RCW 9A.82.100 (4)(a).
6. Order Joseph King, MD to divest himself of any interest, direct or indirect, in "Council for Refractive Surgery Quality Assurance", as prescribed by RCW 9A.82.100 (4)(a).
7. Order the dissolution of "Council for Refractive Surgery Quality Assurance", as prescribed by RCW 9A.82.100 (4)(c).

I certify under penalty of perjury under the laws of the State of Washington that the foregoing counter claim is true and correct.

Submitted this 9th day of February 2009.

Brent Hanson

Brent Hanson

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