

Exhibit 101

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1) Overview of Complaint

Patrick Mobley and Glenn Hagele have engaged in a campaign of *unlawful* surveillance and harassment against the Petitioner on behalf of Michael Mockovak and Joseph King. Hagele has acted as a “private investigator” without a license, in violation of RCW 18.165.120 and RCW 18.165.150. Mobley has acted as a “private investigator” in violation of RCW 18.165.150.

The documentation for this complaint has been voluntarily provided to the Petitioner by Mobley for the purpose of attempted extortion of the Petitioner, and by Hagele who voluntarily submitted written correspondence to the FBI regarding Mobley. Other documents are a product of an investigation performed by the Department of Licensing in Olympia.

Mobley and Hagele have written complaints against each other in which they accuse the other of engaging in criminal conduct with respect to activities conducted against the Petitioner.

2) Patrick Mobley - Background and Description

Mobley currently operates the business “Washington Tree MD” from Puyallup,¹ and formerly operated the business “Four Leaf Lawn Services” in Tacoma.² Mobley has acted as a private investigator in violation of RCW 18.165.150 and attempted to extort money from the Petitioner, in exchange for providing proof of criminal activities performed by Hagele. Mobley contacted the Petitioner in November 2008 and provided an example of 138 communications from Hagele, which spanned a period of at least a year. Mobley was paid \$4,481 by Hagele.

Pierce County Superior Court has issued orders of protection against Mobley in unrelated cases for domestic violence, a warrant on behalf of the Washington Department of Revenue, and a bench warrant on behalf of Labor Ready Northwest, Inc.^{3,4,5}

3) Michael Mockovak - Background and Description

Along with Joseph King, Dr. Michael Mockovak jointly operates a business “Clearly LASIK” in Renton, and Kennewick, Washington. Mockovak pays Hagele \$5,000 a year for the following:

- 1) Fraudulent “certifications”.
- 2) Internet advertising.
- 3) Monitoring of patient web sites regarding LASIK eye surgery.

¹ Exhibit 1 – Washington Department of Licensing, online lookup for Washington Tree MD.

² Exhibit 2 – Washington Department of Licensing, online lookup for Four Leaf Lawn services.

³ Exhibit 3 – Pierce County Superior Civil Case 08-2-00281-6. Julie Elizabeth Addy vs. Patrick Joseph Mobley, for Domestic Violence Protection.

⁴ Exhibit 4 – Pierce County Superior Court Civil Case 08-2-04857-3. Labor Ready Northwest Inc vs. Patrick J Mobley.

⁵ Exhibit 5 – Pierce County Superior Court Civil Case 06-9-94478-1. State of Washington Department of Revenue vs. Patrick J Mobley.

- 4) SLAPP lawsuits against patient web site operators who attempt to find medical solutions for LASIK patients, including those who have suffered substandard outcomes at “Clearly LASIK”.

4) Joseph King - Background and Description

Along with Michael Mockovak, Dr. Joseph King jointly operates a business “Clearly LASIK” in Renton, and Kennewick, Washington. King pays Hagele \$5,000 a year for the following:

1. Fraudulent “certifications”.
2. Internet advertising.
3. Monitoring of patient web sites regarding LASIK eye surgery.
4. SLAPP lawsuits against patient web site operators who attempt to find medical solutions for LASIK patients, including those who have suffered substandard outcomes at “Clearly LASIK”.

5) Glenn Hagele - Background and Description

Hagele is the sole proprietor of a home-based business in California, in which he issues certifications to about 30 LASIK surgeons across the country. Hagele issues the certifications under a business name of “Council for Refractive Surgery Quality Assurance”, AKA “CRSQA”. These certifications are fraudulent, as Hagele has no credentials other than a High School Diploma, and has had no medical training. Hagele publishes advertisements claiming that the recipients of his certifications are the “best” surgeons. In addition, Hagele has engaged in a campaign of harassment of LASIK patients across the country for many years, on behalf of the surgeons who pay for his advertising services. Hagele is currently being sued in North Carolina for harassment, defamation, and forging the name of a staff scientist at the National Institute of Health on a document, in an attempt to get her fired from her job.

Hagele has written a letter to the FBI in Seattle in which Hagele claims to be a “private investigator”, even though he is not licensed in either California or Washington. In his letter, he claimed that he paid \$4,481 to obtain services from Mobley, and that Mobley engages in criminal activity.

The Petitioner has documented Hagele’s activities and harassment of patients on several web sites, including www.usaeyesfraud.com, www.theglennhagelereport.com, and www.lasikfraud.com. In California, Hagele filed a lawsuit against the Petitioner and four other web site operators in 2006 in an effort to shut down web sites containing criticism of the Petitioner. Three different attorneys have represented Hagele in his lawsuit, and each has withdrawn from the case. Hagele now represents himself *pro per*. In North Carolina, Hagele has recently filed a lawsuit against over 50 patients, in an effort to shut down multiple web sites, including www.thelasikreport.com, www.lasikdisaster.com, www.lasikcomplications.com, and www.lasik-flap.com.

Hagele is under jurisdiction of the Washington Courts due to the fact that he operates a business in the State of Washington, and has utilized the King County District Court to file two unsuccessful lawsuits against Brent Hanson. He has also utilized the King County Prosecutor’s office to file a complaint against Brent Hanson, which was openly rejected by the office in a written document.

a) *Fraudulent Certifications Issued to Laser Eye Surgeons*

Hagele, 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 Hagele acknowledges in one of his own depositions that he only has a High School Diploma, and is unable to interpret topographical image scans used by laser eye surgeons.

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

Excerpt #1⁶

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]

⁶ Exhibit 6 – 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 6 - Deposition of Hagele on 2007-05-07.mpg”. Viewable by Windows Media Player.

Jim Donahue

[REDACTED]

Glenn Hagele

[REDACTED]

Excerpt #2⁷

Jim Donahue

[REDACTED]

Glenn Hagele

[REDACTED]

Jim Donahue

[REDACTED]

David Foos

[REDACTED]

Glenn Hagele

[REDACTED]

David Foos

[REDACTED]

Jim Donahue

[REDACTED]

Glenn Hagele

[REDACTED]

Excerpt #3⁸

Jim Donahue

[REDACTED]

Glenn Hagele

[REDACTED]

Jim Donahue

[REDACTED]

Glenn Hagele

Jim Donahue

[REDACTED]

Glenn Hagele

[REDACTED]

Jim Donahue

[REDACTED]

⁷ Exhibit 7 – 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 7 - Deposition of Hagele on 2007-05-07.mpg”. Viewable by Windows Media Player.

⁸ Exhibit 8 – 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 8 - Deposition of Hagele on 2007-05-07.mpg”. Viewable by Windows Media Player.

Glenn Hagele [REDACTED]

Jim Donahue [REDACTED]

Glenn Hagele [REDACTED]

Excerpt #4⁹

Jim Donahue [REDACTED]
Glenn Hagele [REDACTED]

Jim Donahue [REDACTED]
Glenn Hagele [REDACTED]

b) Fraudulent Claims of Representing Laser Eye Surgeons

Hagele 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.*¹⁰

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

*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.*¹¹

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

As a representative of Michael Mockovak and Joseph King, Glenn Hagele actively seeks to intimidate and silence LASIK patients who complain about bad surgical outcomes on the Internet. On or around June 2006, Hagele threatened to publish the social security numbers of nine LASIK patients, on a web site that Hagele controls. Excerpts from his web site include the following statements:¹²

⁹ Exhibit 9 – 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 Exhibit 9 - Deposition of Hagele on 2007-05-07.mpg”. Viewable by Windows Media Player.

¹⁰ Exhibit 10 – Image of <http://www.usaeyes.org/lasik/doctor/california/los-angeles/kerry-assil-bio.htm> captured on December 12, 2008.

¹¹ Exhibit 11 – Letter sent from Dr. Kerry Assil to Petitioner on December 15, 2008.

¹² Exhibit 12 – Pages from Hagele’s web site, captured on June 1, 2006.

Victim #1 – Brent Hanson, the Petitioner

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 #2 – Ariel Bershadsky, an Individual in New York

Ariel Bershadsky Personal Identity Information

The personal identity information for New York attorney Ariel Bershadsky, 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.

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

On March 16, 2006, Hagele 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 Hagele made statements which included the following:¹³

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.

¹³ Exhibit 13 – E-mail sent from Hagele to Dominic Morgan, dated March 16, 2006.

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.

e) Attempted 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 Hagele forged Dr. Lauranell Burch's name on to a document 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 Hagele 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."¹⁴

On September 5, 2008 The Executive Director of the American Society of Cataract and Refractive Surgery sent an e-mail to Brent Hanson 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.¹⁵

¹⁴ Exhibit 14 – <http://groups.google.com/group/alt.lasik-eyes/msg/944533eafd348b41>

¹⁵ Exhibit 15 – E-mail sent from David Karcher, the Executive Director of the American Society of Cataract and Refractive Surgery to Petitioner on September 5, 2007.

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

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.¹⁶

On September 6, Hagele 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.¹⁷

On September 26, Hagele 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. Laurantell Burch is currently suing Hagele for this action, in addition to Hagele's threats against her mother.¹⁸ The judge has ordered all of the members of his organization to be included as defendants.¹⁹

f) *Boasted of Opening Up "The Very Deep Pockets of a Florida Credit Union" in a Scheme for Money*

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

¹⁶ Exhibit 16 – E-mail sent from Robert Portman, Jenner & Block LLP to Petitioner on September 5, 2007.

¹⁷ Exhibit 17 – <http://groups.google.com/group/alt.lasik-eyes/msg/ac6efbf0ce8b6657>

¹⁸ Exhibit 18 – Glenn Hagele v. Laurantell Burch. *First Amended Answer and Counterclaims.*

¹⁹ Exhibit 19 – Glenn Hagele v. Laurantell 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”²⁰

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

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 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.

²⁰ Exhibit 20 – Letter sent from Hagele’s attorney to Paula Cofer, dated March 2, 2006.

*This entire matter has caused me great emotional distress, damage to my reputation and is interfering in my ability to perform my job.*²¹

On March 16, 2006, Hagele 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.*²²

Hagele 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”.²³ Christopher Roiland, the individual described as “Ragnar” in Paula Cofer’s letter to James Clinchard, was subsequently arrested on a felony charge of attempting to obtain a controlled substance by fraud.²⁴

g) Fraudulent Speech to the FDA Claiming to Represent a LASIK Patient, After Previously Threatening Her

On May 6, 2003, Hagele 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.

²¹ Exhibit 21 – Letter sent from Paula Cofer to Hagele’s attorney, dated March 7, 2006.

²² Exhibit 13 – E-mail sent from Hagele to Dominic Morgan, dated March 16, 2006.

²³ Exhibit 23 – Image of web page published by Glenn Hagele.

²⁴ Exhibit 24 – Arrest record of Christopher Roiland, and excerpts of internet postings between Hagele and Roiland.

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.²⁵

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

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.²⁶

On March 15, 2007 Christopher Roiland, a convicted criminal and friend of Glenn Hagele posted a message on a USENET newsgroup that contained the following statements:

First lets make something clear. The agreements Sandy Keller had made to stop posting and end her website attacks were with Glenn, not me. She did that because Glenn had her by her balls and was going to sue her. As always, Glenn backed off - unfortunately. As far as agreements go, she lied.. as always. She didn't shut down her lasikdisaster website, she instead turned it over to Paula Cofer who created that website for her to begin with - which she also lied about repeatedly. Then she started her OWN websites including <http://www.lasiknightmare.com/> take a look at her picture from 15 years ago on the bottom of that site. Furthermore, she never stopped posting here, even though she swore not only to Glenn, but her own husband that she would. In particular, she was posting as LasikNightmare recently.²⁷

On April 25, 2008 Hagele 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 fell 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

²⁵ [Exhibit 25](http://www.glennhagele.com/rbdata/keller_nfb.htm) – Page from Glenn Hagele's web site at http://www.glennhagele.com/rbdata/keller_nfb.htm

²⁶ [Exhibit 26](http://www.glennhagele.com/sandykeller/sandy-keller-personal-identity.htm) – <http://www.glennhagele.com/sandykeller/sandy-keller-personal-identity.htm>

²⁷ [Exhibit 27](http://groups.google.com/group/alt.lasik-eyes/msg/d434b26d0172735c?hl=en&) – <http://groups.google.com/group/alt.lasik-eyes/msg/d434b26d0172735c?hl=en&>

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.*²⁸

On the very same day as giving his tear-laden speech to the FDA on behalf of Sandy Keller, he had an article posted on his web site attacking her.²⁹

6) Michael Mockovak and Joseph King's Payments to Glenn Hagele

Dr. Michael Mockovak and Joseph King each pay Hagele \$5,000 a year for fraudulent CRSQA "certifications", internet monitoring of patients who complain of their experience at Clearly LASIK, and SLAPP lawsuits against patient web site operators.³⁰ One of Hagele's advertisements directed to prospective LASIK surgeons states the following:³¹

Welcome to the Council for Refractive Surgery Quality Assurance (CRSQA, pronounced SURS-kah). Your request for this application is the first step to being recognized as one of the United States' best refractive surgeons.

* * * * *

CRSQA representatives monitor all Internet bulletin boards, newsgroups, and other public forums that include information about refractive surgery. If incorrect information is posted, we provide an accurate response. If a patient posts a question, we do the research and provide an answer. If an anti-refractive surgery zealot makes inflammatory statements, we provide a balanced response.

* * * * *

Maintaining our website and monitoring the Internet is amazingly time and cost intensive. The fees provided by our certified doctors allow us to continue our work. We know that becoming

²⁸ Exhibit 28 – Excerpts of transcript from of Medical Devices Advisory Committee Ophthalmic Devices Panel, on April 25, 2008.

²⁹ Exhibit 29 – Image of web page from Glenn Hagele's web site captured on April 26, 2008.

³⁰ Exhibit 30 – Image of web page from Clearly LASIK's web site, advertising Dr. Joseph King's and Dr. Michael Mockovak's membership in CRSQA.

³¹ Exhibit 31 – Advertisement published by Glenn Hagele to recruit LASIK surgeons. It should be noted that many individuals listed as members of the "Board of Trustees" on this advertisements are not members of CRSQA: Jack Melton, James Townsend, David Eldridge, John Herman, Scott MacRae, Randy McDonald, and Katherine Weber.

CRSQA certified is as much a business decision as it is supporting an organization that does good work. After initial certification, our ongoing recertification fees are \$1,250 per quarter. For most doctors, annual fees will total a little less than the amount charged two refractive surgery patients per year. It is very reasonable to expect that your listing on our website alone will provide significantly more patients. Additionally, using your CRSQA certification in your own marketing will help differentiate you from all the other refractive surgeons. Patients are always trying to find a reason to choose one surgeon over another. CRSQA's independent evaluation of your outcomes can be the deciding factor.

Patients of Mockovak and King have posted messages on the patient bulletin board, Lasik-Flap.com, seeking assistance following failed surgery. One of their patients posted the following message on April 12, 2009³²

Hi, my name is Luke, I'm a 24 year old male from Edmonton, Canada. I've worn glasses ever since I was a child and recently underwent Lasik eye surgery so that I would no longer need to depend on glasses. My left eye, which is amblyopic, was at +3.25, and my right eye which is my good eye was at +2.5. I had the wavefront with intralase done on my eyes on April 2, 2009. Since the day of the surgery I've been experiencing severe blurred, and double vision. During my initial consultation they told me that it should take about a week for my vision to come on board, I was okay with that and booked off time from work so I could recover from the surgery.

Today would officially be Day 9 post Lasik and I'm still experiencing severe blurred and double vision. I have seen ZERO improvement in my vision over the past 9 days and I'm getting extremely worried. I cannot drive (safely anyway), very uncomfortable to watch tv, or even use the computer (I have to have everything at huge font). I cannot see myself returning to work any time soon (I drive for a living). So far my Lasik experience has been horrible.

This past Thursday was my 1 week post-op exam, it lasted all of 5 minutes. I brought up my concerns about my blurred and double vision and was told that it was all normal and that in the meantime I should pick up some +1 glasses from the pharmacy, the problem is I've tried several different strengths of glasses, none of which corrected any of my blurred and double vision. I felt very rushed and was basically sent out the door and told everything would be alright. At this point it was hard for me to believe these people.

I'm including copies of my pre and post-op exams if it should be helpful to getting some insight on what is going on with my blurred and double vision. I have yet to get copies of my topographies and wavefront scans but hopefully I can get them this week.

http://i90.photobucket.com/albums/k273/clover2020/scan0001_copy.jpg

http://i90.photobucket.com/albums/k273/clover2020/scan0002_copy.jpg

http://i90.photobucket.com/albums/k273/clover2020/scan0003_copy.jpg

http://i90.photobucket.com/albums/k273/clover2020/scan0004_copy.jpg

http://i90.photobucket.com/albums/k273/clover2020/scan0005_copy.jpg

I've read through a lot of postings on this forum and there seems to be a few insightful people on

³² Exhibit 32 – <http://www.lasik-flap.com/forum/viewtopic.php?t=2513> and images from Photobucket referenced in the posting by a patient of Cleary LASIK.

here. I was hoping someone would be able to chime in on my situation.

Any help would be appreciated. Thank you!

The images referenced in the posting clearly show that this person was a patient at Clearly LASIK, and that Dr. Joseph King signed his name on at least one of the documents shown in the images. An answer to the request for assistance was provided by a user named “Broken Eyes”.

Hi again, I finished looking at your records just a little while ago. It's noted on your pre-op exam left eye amblyopia with reduced best corrected visual acuity. I'm curious... prior to surgery, what did they say to you about your amblyopia and what to expect after LASIK?

Did you get a copy of the Patient Information Booklet? If not, this looks like the one that applies to your surgery.

<http://www.fda.gov/cdrh/pdf/P930016s017d.pdf>

Hagele and CRSQA are currently suing the operator of Lasik-Flap.com, about 50 patients who have posted messages on the forum. Hagele has directly named “Broken Eyes” as a defendant. Hagele and CRSQA have requested that the judge issue an injunction to shut down the web site, in addition to previously using dirty tricks to temporarily shut down the web server.³³

7) Patrick Mobley’s E-mails to Brent Hanson Regarding Glenn Hagele’s Campaign of Surveillance and Criminal Activities

One of Hagele’s private investigator began sending unsolicited e-mails to Brent Hanson 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.³⁴

³³ Exhibit 33 – General Court of Justice Superior Court Division Country of Wake. Glenn Hagele, Plaintiff, v. Luranell Burch aka Nell Burch, Defendant. Luranell Burch Counter-Plaintiff, v. Glenn Hagele and Council for Refractive Surgery Quality Assurance dba USAEYES.org, Counter-Defendants. Council for Refractive Surgery Quality Assurance Counter-Plaintiff, v. Luranell Burch aka Nell Burch and Does 1-100. Answer and Counterclaims of Council for Refractive Surgery Quality Assurance. pp. 1, 16, 17, 170.

³⁴ Exhibit 34 – Unsolicited e-mail Hagele’s private investigator sent to Petitioner on November 6, 2008, with a timestamp of 12:12:33.

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

*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.*³⁵

On November 7, 2008, the private investigator forwarded an e-mail from Glenn Hagele to Brent Hanson's attorney, to verify the authenticity of his claims about working for Glenn Hagele. The forwarded message showed a return address of glenn.hagele@usaeyes.org and included Brent Hanson'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 Brent Hanson's place of employment and name of supervisor. In the e-mail, the Glenn Hagele wrote:

*Do you have a PayPal account? All tasks require the utmost discretion.*³⁶

Glenn Hagele'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 Brent Hanson's social security number and other personal information to the private investigator for criminal purposes violated RCW 9.35.020. Glenn Hagele's request for the private investigator to obtain additional information regarding Brent Hanson violated RCW 9.26A.140.

8) Glenn Hagele's Letter to the FBI Accusing Patrick Mobley of Criminal Activity

On December 22, 2008, Hagele wrote a letter to the FBI, Seattle Division.³⁷ The letter stated in part:

As part of the civil litigation, in November 2007 I hired Seattle area private investigator Patrick Mobley. I found Mobley from an advertisement on Craigslist. The investigator provided information regarding Hanson such as home address, employment, etc. The investigator arranged for service of process on Hanson. The investigator provided correspondence purported to be retrieved from Hanson's trash, and in one instance provided an affidavit affirming the trash source of a document. All payments for Mobley's services were made through PayPal to an account owned by the

³⁵ Exhibit 35 – Unsolicited e-mail Hagele's private investigator sent to Petitioner on November 6, 2008, with a timestamp of 16:25:41.

³⁶ Exhibit 36 – E-mail Hagele's private investigator sent to Petitioner's attorney on November 7, 2008.

³⁷ Exhibit 37 – Memo to file by James Clarkson, investigator for Washington Department of Licensing, with attached letter from Glenn Hagele to the FBI. The memo by James Clarkson is dated February 11, 2009. It should be noted that Hagele provided false statements to the FBI by claiming that nine individuals whom he was investigating, all resided in California. Depositions of Hagele show that he has been investigating nine individuals in multiple states, not California, for many years. In his depositions he refers to these individuals as "The Hanson Nine", and stores emails regarding them in a folder named "Loonies".

investigator's partner, Michelle Colbern. It is my understanding that Mobley and Colbern have married.

I occasionally provide investigative consulting for attorneys regarding medical related litigation. As part of an investigation unrelated to Hanson, in late August 2008, I requested background reports on several individuals from Mobley. I provided Mobley the name, date of birth, and Social Security number of nine individuals, all residents of California. The reports were never provided and I was unable to reach Mobley for an extended period of time. I sought a refund through PayPal for the cost of the reports, however the account of Mobley's partner was subsequently closed and no refunds were provided.

In early November 2008, I was contacted by Mobley who stated the reason for his absence was that he had been incarcerated. Due to the unsuccessful business transaction regarding the background checks and the fact that the investigator had been arrested and jailed, I ceased future business with Mobley.

9) The Department of Licensing Identifies Patrick Mobley as Glenn Hagele's "Private Investigator"

On February 11, 2009 James Clarkson, an investigator for the Washington Department of Licensing wrote a Memorandum of Closure to the Program Manager for Private Investigators, in which he identified Patrick Mobley as a private investigator for Glenn Hagele.³⁸

10) Glenn Hagele's Ongoing Campaign of Attempted Surveillance of the Petitioner

The Secretary of State has admitted the Petitioner into Washington's Address Confidentiality Program for protection from Hagele's campaign of surveillance. In an attempt to circumvent the program, Hagele attempted to convince the Petitioner to reveal his address to the King County Prosecutor's office by falsely stating that the Petitioner was under criminal investigation. On January 5, 2009 Hagele sent an e-mail to the Petitioner's attorney, which falsely stated that he had been contacted by the King County Prosecutor with respect to a criminal investigation of the Petitioner. The e-mail stated:

Mr. Donohue (sic),

I have been contacted by Ian Goodhew, Deputy Chief of Staff, King County Prosecuting Attorney Office, 206-296-9064, regarding Mr. Hanson's recent distribution of a document that contains the name and Social Security number of a patient of Bossier Ophthalmology Clinic. Mr. Goodhew requested Brent Hanson's residence address. I have referred Mr. Goodhew to you for this information. You may elect to contact Mr. Goodhew directly.

³⁸ Exhibit 38 – Memorandum of Closure, dated February 11, 2009, by the Washington Department of Licensing, which identified Patrick Mobley as Glenn Hagele's private investigator.

Glenn Hagele³⁹

The Petitioner forwarded the e-mail to the King County Prosecutor's office and received a direct response from Ian Goodhew, which showed Hagele's statements to be false. The e-mail stated:

Mr. Hanson,

The King County Prosecutor's Office was contacted by Mr. Hagele regarding a potential criminal complaint involving the dissemination of an individual's social security number. The King County Prosecuting Attorney's Office (KCPAO) does not investigate criminal complaints as we have no investigative tools available to our office. We do not charge criminal matters by grand jury in Washington State, we charge by Information based upon statements of probable cause sworn to by law enforcement officers.

I shared this information with Mr. Hagele and referred Mr. Hagele to the Kirkland Police Department. The police will or have determined whether or not the information provided by Mr. Hagele constitutes a criminal offense or not. Unless the King County Prosecutor's Office receives a referral from the Kirkland Police Department or other King County law enforcement agency for potential criminal charges, the KCPAO's involvement in this matter is concluded.

*Sincerely,
Ian Goodhew
KCPAO⁴⁰*

In attempting to falsely convince the Petitioner that he was under criminal investigation, Hagele violated RCW 9A.56.130 – Extortion in the second degree, as defined in RCW 9A.04.110 (27)(d).

Hagele filed a pair of unsuccessful lawsuits against the Petitioner in King County Small Claims Court, which were initially heard on February 15, 2009. During the hearing, Hagele volunteered to Judge James Schlotzhauer how he had visited a UPS store in Federal Way to investigate and locate the Petitioner's residential address. He also unsuccessfully demanded that the Judge Schlotzhauer order the Petitioner to provide Hagele with his Address Confidentiality card provided by the Secretary of State. On March 27, 2009 Hagele wrote a letter to the Court in which he complained that:

Defendant has provided several addresses, all of which are Post Office boxes or mail drop services. During the 12 February 2009 hearing the Defendant provided to the court a photocopy of an identification card issued by the Washington State Secretary of State under an Address Confidentiality Program (ACP) as evidence of a new address for service of process. Under the ACP program, the Secretary of State will accept personal service of process on behalf of Defendant. I requested a copy of this identification card, which was denied by the court. I requested the address

³⁹ Exhibit 39 – E-mail sent from Hagele to Petitioner's attorney in Sacramento, California, on January 5, 2009.

⁴⁰ Exhibit 40 – E-mail sent from the King County Prosecutor's office to Petitioner on January 5, 2009.

*on the identification card submitted by the Defendant for personal service of process. My request was denied.*⁴¹

In this letter, Hagele also requested that the Judge Schlotzhauer be disqualified, and committed perjury by falsely claiming that the Judge Schlotzhauer had engaged in *ex parte* conversations with Brent Hanson. Judge Schlotzhauer is in the process of issuing a written ruling on Hagele's letter.

11) Certification

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

This the 18th day of April, 2009.

Brent Hanson

Brent Hanson

P.O. Box 1261
Olympia, WA 98507-1261

Telephone: (919) 323-6030
Facsimile: (425) 650-3711

⁴¹ Exhibit 41 – Letter from Glenn Hagele to Judge Judith Eiler on March 27, 2009, titled “Motion to Exclude Pro Tempore Judge”.

Exhibit 102

Subject: Removal of our names from your websites

From: "Joseph King" <jking@clearlylasik.com>

Date: Fri, 26 Jun 2009 17:46:07 -0700

To: <glenn.hagele@usaeyes.org>

CC: "Michael Mockovak" <michaelm@clearlylasik.com>, "Christian Monea" <cmonea@clearlylasik.com>

Glenn,

At least several weeks ago we asked that you remove our names and any references to our medical practices from your websites. This request was communicated to you both verbally and in writing.

To date, you have not respected our request. As of today we are still listed on your usaeyes.com website. As we communicated to you previously, we have resigned from CRSQA and we do not want to be listed as members.

If our names and practice are not removed promptly we may have no alternative but to request the assistance of our attorney. We have no desire to become involved in any dispute that exists between you and Mr. Hanson or anyone else. I ask that you please respect our request.

Thank you.

Sincerely,

Joseph King