

1987

Michael R. Barker v. Laura Beth McGillivray, State of Utah, Utah Dept. of Social Services, David L. Wilkenson, Ross C. Blackham, SanPete County Attorney, Utah Dept. of Social Services, John Abbott, Roleen Olsen, Office of Recovery Services, Utah Department of Social Services, Utah Legal Services, Inc., Wayne Riches, Clella Lawrence, Howard Maetani : Unknown

Utah Court of Appeals

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David L. Wilkinson; attorney general; Blaine R. Ferguson; Wayne Riches, Clella Lawrence, Howard Maetani; Utah Legal Services; Ross C. Blackham; attorneys for respondent.

Michael R. Barker; pro se.

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Legal Brief, *Michael R. Barker v. Laura Beth McGillivray, State of Utah, Utah Dept. of Social Services, David L. Wilkenson, Ross C. Blackham, SanPete County Attorney, Utah Dept. of Social Services, John Abbott, Roleen Olsen, Office of Recovery Services, Utah Department of Social Services, Utah Legal Services, Inc., Wayne Riches, Clella Lawrence, Howard Maetani*, No. 870158 (Utah Court of Appeals, 1987).
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DEC 7 1987

Court of Appeals

IN THE UTAH COURT OF APPEALS

MICHAEL R. BARKER	(ADDENDUM: RECORD REFERENCED
Defendant, Appellant, Pro Per	(TO BRIEF, VII ARGUMENT
	(
v.	(
	(
Laura Beth McGillivray, and the	(UTAH COURT OF APPEALS
State of Utah, by and through	(NO. 870158-CA
Utah Dept. of Social Services	(
David L. Wilkenson,	(CIVIL NO. 9085
Utah Attorney General	(
Ross C. Blackham,	(
SanPete County Attorney	(
Utah Dept. of Social Services	(
John Abbott, Director	(
Roleen Olsen	(
Office of Recovery Services	(
Utah Department of	(
Social Services	(
Utah Legal Services, Inc.	(
Waine Riches, Attorney	(
Clella Lawrence, Attorney	(
Howard Maetani, Attorney	(
Plaintiff/Respondant	(

The following is a reference to the 6th Judicial District Court reporters record of civil case no. 9085, taken on 25 March 1987. The record page number is referenced to each Point in Appellant's Argument beginning on page 13 of the Brief filed with the Utah Appellate Court:

POINT 1. JUDICIAL NOTICE OF STATE CITIZENSHIP

Record page 35, lines 3 through 25.
See lower court file, Motion to take Judicial Notice of Utah State citizenship.

POINT 2. MOTIVATION TO HARM BY ESTOPPEL

See lower court file, Mexican Divorce decree. (for paragraph 1.)
Social Services initiates divorce action:
Record page 67, lines 2 through 3 on page 68. (for paragraph 1.)
See Exhibit 1, in Addendum to Brief. (for paragraph 1.)

Laura knew Mexican decree was civilly legal:
Record page 113, lines 18 through 25. (for paragraph 2.)
Record page 119, lines 12 through 17. (for paragraph 2.)

Laura acted on provisions of Foreign divorce:
Uses maiden name:
See Exhibit 3, in Addendum to Brief. (for paragraph 2.)

Acts upon financial agreements:

Record page 79, lines 1 through 9. (for paragraph 2.)

Record page 135 lines 4 through line 7. (for paragraph 2)

Acts upon custody agreements:

Record page 92, lines 2 through 14. (for paragraph 2)

Record page 94, lines 6 through 16. (for paragraph 2)

See Exhibit 2, in Addendum to Brief.

Social Services motivated solely by financial gain:

See Exhibit 42, in Addendum to Brief. (for paragraph 3.)

Record page 195, lines 18 through line 2 on page 196. (for paragraph 3.)

Respondants have "unclean hands" (broke agreements for gain):

Custody:

See Exhibit DD, in Addendum to Brief. (for paragraph 4)

Record page 92, lines 2 through 14. (for paragraph 4)

Housing Agreement:

Laura moved from home, increasing expenses:

Record page 47, lines 3 through 10. (for paragraph 4)

(new evidence since court trial)

Since trial:

Laura sold house and is not living in it. Evidence to be produced.

POINT 3. NON-DOMICILE NOT PROVEN

Record page 104, lines 10 through line 9, page 105.

Record page 209, lines 20 through line 24.

POINT 4. DEFENDANT NOT AN OBLIGOR

Record page 139, lines 14 through line 19.

Record page 152, lines 7 through line 2 on page 155.

Record page 163 lines 19 through line 7 on page 164.

Record page 192 lines 20 through line 24 on page 193.

Record page 196, lines 16 through line 22.

POINT 5. RIGHT TO PRIVACY VIOLATED

Record page 142 lines 5 through line 6. (for paragraph 1)

Record page 144 lines 5 through line 15. (for paragraph 1)

Record page 139 lines 5 through line 19. (for paragraph (2)

Record page 138 lines 6 through line 19 on page 139. (for paragraph 3)

POINT 6. PARTIES ACTED UPON FOREIGN DIVORCE DECREE

Laura acted on provisions of Foreign divorce:

Uses maiden name:

See Exhibit 3, in Addendum to Brief.

Acts upon financial agreements:

Record page 79, lines 1 through 9.

Record page 135 lines 4 through line 7.

Acts upon custody agreements:

Record page 92, lines 2 through 14.

Record page 94, lines 6 through 16.

See Exhibit 2, in Addendum to Brief.

Laura signs up for welfare 2 Jan 85.

See lower court file, Referral for Duty of Support & Paternity Action.

Appellant served with Divorce papers 2 Jan 86. (after a year and a day)

See lower court file, Summons with service date.

POINT 7. COURT IMPROPERLY SET

Record page 37 lines 6 through line 24.

Record page 29 lines 12 through 25.

See enclosed Declaration. (Rescission of Marriage)

POINT 8. JURY TRIAL DENIED

See Notice and Demand for Veriermen to Number 12 (in lower court file).

See returned money order statement (in lower court file)

POINT 9. COUNSEL OF CHOICE - ABSURD COURT ACTION

See lower court file, Notice and Demand for Counsel of Choice.

See lower court file, Pre-trial Hearing page 4 lines 17 through 21.

Record page 8, lines 6 through line 8 on page 7.

POINT 10. NO RIGHTS SUA SPONTE AS DEMANDED

See lower court file, Notice and Demand for Rights Sua Sponte.

Record page 39, lines 16 through line 18.

POINT 11. DEFENDANT THREATENED WITH JAIL

Judge Tibbs Denies me discovery:

Record page 36, lines 20 through line 5 on page 37.

See lower court file, Interrogatories.

Judge Tibbs goes back into discovery for Plaintiffs:

Record page 121, lines 11 through 22.

Record page 124, lines 5 through 10.

POINT 12. VIOLATION OF RIGHT TO DEFEND - JOINDER

Joinder denied for no stated cause of action:

Record page 33, lines 15 through line 14 on page 34.

Record page 145, lines 3 through line 9 on page 149.

Contradicts Judges statement: (absurdity)

Record page 147, lines 16 through line 25.

Cause of action was stated:

See Exhibit 1, in Addendum to Brief.

See Exhibit 42, in Addendum to Brief.

See file of lower court, Amended Counterclaim.

Record page 26 lines 23 through line 7 on page 27.

Record page 176, lines 16 through line 7 on page 177.

Record page 11, lines 15 through line 24.

Record page 157, lines 12 through line 24.

POINT 13. INVASION OF PRIVACY

Record page 178, lines 2 through line 7.

Record page 142, lines 5 through line 16.

Record page 144, lines 5 through line 15.

Respondants had been timely noticed:

Record page 139, lines 5 through 19.

POINT 14. JUDGE GAVE DEFENDANT LEGAL ADVISE

Record page 8, lines 13 through 25.

POINT 15. CONSPIRACY, BLACKMAIL--DEFENDANT'S CHILDREN HELD RANSOM

Record page 11, lines 15 through 24.

Record page 91, lines 25 through line 17 on page 92.

Record page 101, lines 15 through 25.

See Notices to parties (to be supplied)

Perjury of Respondants:

Record page 50, lines 10 through line 14.

Record page 93, lines 23 through line 16.

Record page 98, lines 11 through line 22.

Record page 99, lines 3 through line 20.

See Exhibit 2 in Addendum to Brief (notice date)

See Exhibit DD in Addendum to Brief

POINT 16. FREEDOM OF RELIGION AND SPEECH VIOLATED

Record page 213, lines 24 through line 6 on page 214.

POINT 17. BIAS AND CONSPIRACY OF COUNTY ATTORNEY

Record page 156, line 12 through line 16 on page 158.

See letter from Ross Blackham. (to be supplied)

See letter to State Attorney General. (to be supplied)

POINT 18. COURT ATTEMPTS TO FORCE JURISDICTION ON DEFENDANT

Record page 7, lines 9 through line 25.

Record page 214, lines 7 through 13.

Record page 35, lines 9 through 22.

Record page 37, lines 6 through line 2 on page 38.
Record page 201, lines 15 through line 20.

Judge refuses to state his jurisdiction:
Record page 104, lines 21 through line 9 on page 105.

POINT 19. STRANGER TO THE RECORD

Record page 211, lines 20 through line 15.

Contradicts:
Record page 61, lines 3 through line 10.

POINT 20. PRIOR PROPERTY AGREEMENT

Record page 58, lines 12 through line 23.
Record page 61, lines 3 through 6.

POINT 21. CUSTODY OF CHILDREN

Laura not primary caretaker:
Record page 201, lines 21 through line 23 on page 202.
Record page 193. lines 5 through line 14.
Record page 69, lines 19 through line 21 on page 77.
Record page 79, lines 10 through line 2 on page 80.
Record page 89, lines 12 through line 15.
Record page 171, lines 5 through line 20.

POINT 22. VISITATION IS TOO RESTRICTIVE

Record page 209, lines 25 through line 13 on page 23.

POINT 23. NO CHANGE OF SUPPORT CIRCUMSTANCES

Record page 210, lines 21 through line 25.

DATED 5 DECEMBER 1987

SIGNED

Michael R. Barker

CERTIFICATION OF MAILING

I certify that a true and correct copy of the foregoing Addendum of Record to Brief was mailed, postage prepaid to:

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CO-PLAINTIFF/RESPONDANT

on the 5th day of December, 1987.

SIGNED

Michael R. Barker