

Clifford "RAY" Hackett
1919 E Highway 54
Iola, KS 66749
Telephone: (620) 365-3969
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Clifford "RAY" Hackett

Plaintiff,
vs.
Case No.

DISTRICT COURT OF San Juan COUNTY New Mexico 11th JUDICIAL DISTRICT , Jacqueline
. Hackett , John A. dean, Gina Reyes, SPECIAL MASTER
C. DAVID NEWBERY.

Defendants.
A. COMPLAINT

COMES NOW the plaintiff, Clifford "RAY" Hackett, pro se, and files this complaint against the
defendants as follows:

B. PARTIES

1. Plaintiff, Clifford "RAY" Hackett, is an individual representing himself pro se with residence
located at homeless shelters when (seldom) available. Plaintiff, Clifford "RAY" Hackett, is
hereinafter referred to as "Plaintiff," "Mr. Hackett," or "Clifford "RAY" Hackett,"

2. Defendant, District Court of San Juan County, New Mexico, 11th Judicial District, is a New
Mexico Government entity with primary offices located at 103 South Oliver Drive , Aztec, NM 87410.
This defendant, at all times mentioned herein, acted through its agents: Judge John A. Dean,
court administrator***r, Staff attorney***, and court employees. District Court of San Juan
County, New Mexico, 11th Judicial District, may be served summons on the Clerk of the District
Court, San Juan County, Jacqueline Hackett, at her primary place of business Hilton Hotel
Durango 501 Camino Del Rio, Durango, Colorado, 813019. District Court of San Juan County, New
Mexico 11th Judicial District, is herein after referred to as "Defendant," "District Court of San
Juan County," "San Juan County District Court" or "the court."

3. Defendant, Jacqueline Hackett is the estranged spouse of the plaintiff, Clifford "RAY"
Hackett, with primary place of residence at: DoubleTree by Hilton Hotel Durango 501 Camino Del Rio,
Durango, Colorado, 81301. Defendant, Jacqueline Hackett, may be served summons at her
primary place of residence: DoubleTree by Hilton Hotel Durango 501 Camino Del Rio, Durango,
Colorado, 81301. Defendant, Jacqueline Hackett is herein after referred to as "Jacqueline
Hackett" or "Mrs. Hackett."

4. Defendant, Zane Swank is an attorney with primary offices located at: D Zane Swank LLC in
Farmington, NM. 4801 N Butler Ave Ste 6101. (505) 564-9263. Defendant, Zane Swank may be

served summons at his primary place of business at D Zane Swank LLC in Farmington, NM. 4801 N Butler Ave Ste 6101. (505) 564-9263 and is herein after referred to as: "Attorney Swank".

5. Defendant, *** is an attorney with primary offices located at: *** durango, Co 81301. Defendant, ***, may be served summons at primary place of business: *** Durango, Co, 81321. Defendant, Larry A. Prauser is herein after referred to as: "Attorney ***."

6. Defendant, ***, is an attorney with primary offices located at:***, Cortez, co 81321. Defendant, ***, may be served summons at his primary place of business: ***, Cortez, Co Defendant, ***, is herein after referred to as: "Attorney***".

FACTS PERTAINING TO THE PARTIES

7. Plaintiff, Clifford "RAY" Hackett, is a United States Citizen and resides in Homeless shelters. Plaintiff, Clifford "RAY" Hackett, is the estranged spouse of defendant, Jacqueline Hackett.

8. Clifford "RAY" Hackett, a blind and deaf man, is retired.

9. Clifford and Jacqueline Hackett are the parents of four children: Hazel, Faye, Norman, and killed by abortion. They were married on may 2, 2002.

10. Jacqueline Hackett has kept all of the books and records.

11. Jacqueline Hackett filed for divorce from Clifford "RAY" Hackett in the District Court of San Juan County, New Mexico , in 2010.

12. Jacqueline Hackett filed for divorce from Clifford "RAY" Hackett in the District Court of San Juan County, New Mexico, in May, 2010 (Case No. 01 DM 59). Clifford "RAY" Hackett was not served with divorce papers until January, 2010 by a US marshal breaking into his apartment.

13. Zane Swank represented Mrs. Hackett in the filing of her divorce, but withdrew when not paid.

14. Attorney letigra is a second lawyer hired by Mrs. Hackett on ***,***

15. Gina Reyes is an attorney in Durango, 1060 E. 2 nd Ave Durango, CO 81301. .

D. FACTS PERTAINING TO THE CASE

16. On or about May 14, 2010, Jacqueline . Hackett filed for divorce from her husband, Clifford "RAY" Hackett She had been having an affair with Judge John A. Dean.

17. On this same date, prior to Mr. Hackett being served with divorce papers, Judge Dean ordered that Jacqueline Hackett be given complete custody of the kids. This occurred the same day her divorce was filed in San Juan County District Court.

18. The above order was temporary until the parties went to trial or it was modified by the court.

19. In December
20. After filing for divorce, Jacqueline Hackett purchased
21. Clifford "RAY" Hackett was not served with the summons for his divorce until January 16, 2002. A Marshall broke into his house.
22. This represents a violation of Supreme Court Rule 1.9 of New Mexico Rules of Professional Conduct for attorneys.
23. The marshall was
24. At that time, Mr. Hackett w
25. Counsel qw refused to Mr. Hackett
26. On July 23, 20
27. Attorney Doering had represented Clifford "RAY" Hackett in an oil lease matter (Case No. 85C234) from 1985 until 1988 without Mr. Hackett 's knowledge.
- 28.
29. Interrogatories for this casey (Exhibit A – first and last page of interrogatories only).
30. .
31. On September 5, 20, Judge Dean denied the motion filed by Mr. Hackett to disqualify.
32. At this hearing
33. Mr. Hackett 's divorce proceedings continued for over five years from the time Mrs. Hackett filed. During that time, the court granted approximately 99% of the motions in favor of Jacqueline Hackett .
34. On or about October 18, 2002, Mr. Hackett f
35. On November 20, 2002, Judge Brewster was assigned to the Hackett case, due to an apparent conflict of interest concerning Judge Brazil.
36. On February 7, 20
37. On February 27, 2003, a telephone conference was held between Attorney Doering and Judge Brewster without Clifford "RAY" Hackett or anyone representing him included. The court files show that this was a hearing, but it was actually a phone call (Exhibit C).
38. During this phone call,

39. On this
40. Attorney
41. On February
42. On December 11, 2003,
43. On January 8, 2004,
44. Mr. Hackett was becoming increasingly frustrated with the lack of performance by
45. On April 6, 2004, the court ordered Clifford "RAY" Hackettto
46. On April 12, 2004 Attorney
47. Mr. Hackett
48. Even though it is a violation of
49. Due to increased anxiety and frustration over the dispersement of his assets by the court, Clifford "RAY" Hackett's physician recommended that he not participate in any more court hearings due to poor health and heart problems.
50. On May Mr. Hackett 's motion was denied by the court.
51. On July 20, 2004, the court ordered that ... be given to Jacqueline Hackett .
52. On August 6, 2004, the court ordered ... be given to the clerk of the District Court of San Juan County. No reasonable explanation was given by the court for this order.
53. On August 27, 2004, Ed Bideau III, attorney for Mitch Hackett , sent a letter to Judge Brewster in regard to Attorney Doering's unethical conduct involving ex parte matters (Exhibit E).
54. On September 1, 2004, Judge.
55. On September 10, 2004, Attorney Doering ignored this request.
56. On September 13, 2004, attorney Glenn Casebeer called San Juan County court and asked Judge Lorentz if they would withdraw the bench warrant for the arrest of Clifford "RAY" Hackett. This was denied.
57. Mr. Hackett went down to the courthouse to answer the bench warrant and was fingerprinted by the sheriff. He was not put in jail and still doesn't know if he was formerly arrested.

58. During this time, Glenn Casebeer told Mr. Hackett there was no official paperwork filed for the bench warrant issued. Unknown to the plaintiff, Mr. Casebeer then filed a habeas corpus to make it appear that this was how Mr. Hackett was released from jail.

59. On September 27, 2004, Hackett, sent a letter to Judge Lorentz to summarize the case involving his client.

60. On December 2, 2004, Mr. Clifford "RAY" Hackett, sent a letter to Judge Lorentz also detailing the Hackett case (Exhibit F.)

61. On December 9, 2004, Mr. Casebeer filed a motion to set aside the bench warrant order. The court records show that this was granted and Clifford "RAY" Hackett was released, but he was never incarcerated.

62. On this same date, Judge Lorentz appointed Special Master

63. Clifford "RAY" Hackett had tried twice to file an answer and cross-petition praying for an equitable division of marital property, but these were both denied by the court.

64. Approximately 95% of the motions filed by Clifford "RAY" Hackett were denied by San Juan County Court since January 16, 2002, when he was served.

65. Jacqueline Hackett had an affair with Judge Dean, throughout much of the divorce proceedings. Clifford "RAY" Hackett had hired a private investigator who obtained recordings of them

66. From March 10, 2005 until October 31, 2005, all of the pleadings filed within this case were filed on behalf of Mitch Hackett and Jacqueline Hackett.

67. In the summer of 2005, Clifford "RAY" Hackett filed complaints against Attorney Doering and his former attorneys with the. His complaints were dismissed "in accordance with Supreme Court Rule 209 as being without merit." (Exhibit G).

68. On July 29, 2005, Mr. Hackett

69. On October 3, the court ignored this motion entirely.

70. In late October, 2005, Mr. Casebeer commented to Clifford "RAY" Hackett that the way the court was handling his divorce was "criminal." He told him it was "the biggest theft ring he had ever seen."

71. On November 1, 2005,

72. At this time, attorney

73. On or about December 9, 2005,

74. On Feb. 14, 2006, Clifford "RAY" Hackett

75. In early March, 2006, Mr. Hackett went to the San Juan County courthouse to discuss the oil lease matter with ..told him to "take his problems elsewhere, or to another county."

76. Mr. Hackett then went to the sheriff's Sheriff Williams said, "What do you want to go and get all these lawyers and judges in trouble for?"

77. On March 16, 2006, Attorney Doering tried to subpoena the Kansas Department of Labor for the financial reports of

78. On March 17, 2006, attorneys Harry Najim and Steve Blaylock filed a motion to bifurcate and grant a decree of divorce on behalf of Clifford "RAY" Hackett.

79. Attorney Doering filed a motion on March 20, 2006 for an order to show cause why Clifford "RAY" Hackett should not be held in contempt for disposing of assets. There was no factual basis for the order.

80. Jacqueline Hacketthad disposed of assets during divorce proceedings. Clifford "RAY" Hackett had not.

81. On April 26, 2006, Clifford "RAY" Hackett faxed a letter to the San Juan County Court stating that he did not sign interrogatories in San Juan County Case The San Juan County District Court disregarded Mr. Hackett 's fax.

82. On or about May 8, 2006,

83. Clifford "RAY" Hackettrefused,

84. Clifford "RAY" Hackettwas severely distraught over the intentional acts of the attorneys and judges in his divorce proceedings. His family had split up and he hadn't spoken to his daughters in years. The defendants couldn't have cared less.

85. While entering the courthouse for a hearing on May 8, 2006,..devised a plan to provoke Clifford "RAY" Hackettto anger. .

86. Attorney Doering

87. Attorney Doering then

88. Mr. Hackett called the Association for Honest Attorneys for assistance in May, 2006. He was to the point that he felt his life would be better if it ended. The mental anguish and emotional distress of his divorce dragging out for five years had taken its toll on his health, and he felt he was dying a slow death.

89. Mr. Hackett told A.H.A! C.E.O. Joan Heffington that he had given attorneys Harry Najim and Steve Blaylock a \$40,000 retainer fee in February, 2006, and they had used it all up in two months just talking to each other.

90. On or about May 15, 2006, Joan Heffington told Clifford "RAY" Hackett that the A.H.A! could help him prepare legal pleadings naming his wife, the attorneys and the court as defendants. Mr. Hackett agreed that he wanted to do this, and fired attorneys Harry Najim and Steve Blaylock by fax on May 24, 2006.

91. Ms. Heffington wrote to Attorney Doering and Judge Innes on June 6, 2006 to try and resolve this matter prior to litigation, but to no avail.

92. Clifford "RAY" Hackett went to the courthouse on August 10, 2006

93. Joan Heffington attended a hearing in San Juan County court on July 31, 2006

94. Harry Najim withdrew as Clifford "RAY" Hackett's counsel at the July 31 hearing. At that time, Clifford "RAY" Hackett asked Judge Innes that his legal files be released to Ms. Heffington. Judge Innes ordered that if Mr. Hackett wrote to Mr. Najim to request them, that this would be done.

95. Prior to releasing Mr. Hackett's files to the A.H.A!, Mr. Najim went through them thoroughly and redacted numerous items. Mr. Najim later tried to charge Clifford "RAY" Hackett over \$3,000 for his time, even though Mr. Hackett had fired him two months earlier.

96. Upon receiving the files, the A.H.A! determined that sexually explicit photographs of Attorney Doering and Jacqueline Hackett, who had been having an affair, were missing from the court file. They were listed as Exhibits in Vol. X, Item 64.

97. At the hearing on July 31, 2006, Judge

98. As a result of the unethical and illegal practices of the defendants in this matter, Clifford "RAY" Hackett was subjected to such severe emotional distress that no person should have to endure.

99. Altogether, 2 lawyers either quit or recused themselves since Jacqueline Hackett filed for divorce.

100. There was bias on the part of all judges in this matter, and extreme leniency by the court toward Jacqueline Hackett and Attorney Doering. Doering had continued to advise the court that Mrs. Hackett had no money.

101. The initial filing of the divorce by Jacqueline Hackett in May, 2001 is invalid due to the lack of service on Clifford "RAY" Hackett until January, 2002. Other errors exist in court paperwork.

102. The court illegally granted Jacqueline Hackett custody of Clifford "RAY" Hackett's auto parts store (Hackett Auto Parts), a sole proprietorship, before he was even served with divorce papers. Since 2001, Mrs. Hackett and the defendants have siphoned an estimated \$400,000 - \$600,000 profit annually out of Hackett Auto Parts for their own use.

103. Jacqueline Hackett admitted on the court record that she altered books and records for Hackett Auto Parts.

104. There were orders for excessive payments to various entities, particularly Special Master Newbery, which were forced on Clifford "RAY" Hackett by the court. Attorney Doering was the "kingpin" of this collusive effort to deplete Clifford "RAY" Hackett of his assets and keep his client living the life she was accustomed to.

105. Due to the actions of the defendants in this matter, Clifford "RAY" Hackett has been unable to properly file his income tax for Hackett Auto Parts since 2002. The defendants maintained control of the books and records.

106.

107. Plaintiff is justified in his claims involving tort of outrage and outrageous government conduct in this matter. Due to such outrageous government conduct, Clifford "RAY" Hackett has been unable to obtain effective assistance of counsel to date and must proceed pro se in this matter.

108. All of the defendants violated Clifford "RAY" Hackett's rights under the 5th Amendment by prolonging his legal matter without good cause and with the objective of depleting his assets for their own use. Therefore, the doctrine of special circumstances applies with regard to Clifford "RAY" Hackett's lack of legal representation and his necessity to proceed pro se.

109. Clifford "RAY" Hackett was unaware of the fraud-related crimes which had occurred in his divorce proceedings until he spoke with Joan Heffington of the A.H.A! on or about May 15, 2006.

110. Plaintiff has demanded that defendants take action to make plaintiff whole for his losses. Defendants have refused plaintiff's demands.

E. PRELIMINARY STATEMENT

Defendants violated numerous national laws, statutes, ordinances and regulations, including but not limited to: due process right not to be deprived of property under the 5th amendment (as incorporated to the states through the 14th amendment) and plaintiff's right to be heard which was denied due to the influence of his attorneys by opposing counsel and the court. The overt acts of fraud and collusion in this matter which were engaged in by the defendants to deprive Clifford "RAY" Hackett of his assets include, but are not limited to: ordering Clifford "RAY" Hackett's C.D.s to be cashed and paid to the court without a proper basis for doing so, the court granting Jacqueline Hackett control of Hackett Auto Parts (a sole proprietorship owned by Mr. Hackett) without a proper basis for doing so, funneling money to a special master without a proper basis for doing so, Mr. Hackett's lawyers firing themselves, the court ordering a bench warrant prior to service on Clifford "RAY" Hackett, ex parte communications on the part of all defendants, as well as meetings, telephone calls, e-mails, correspondence, "mental processes" and other communications to illegally dispose of Mr. Hackett's income and assets among the defendants. These communications were also the overt acts used by the defendants to deny Mr. Hackett his right to be heard by influencing his counsel to "go along with the game." Violations also exist concerning Kansas Supreme Court

Rule 227, and Mr. Hackett should be reimbursed by the Lawyers' Fund for Client Protection (LFCP) for the dishonest conduct of the lawyers and judges in this matter.

This case warrants claims involving tort of outrage, bad faith, outrageous government conduct and manifest injustice. The defendants acts and failures to act are criminal in nature as they are indicative of legalized stealing from the plaintiff, and depict "the dagger of an assassin" in their actions toward him. Accordingly, plaintiff is justified in alleging each of the following claims against the defendants.

F. CAUSES OF ACTION

1. Violations of Plaintiffs' 5th Amendment Rights (as incorporated to the States through the 14th Amendment)

111. Plaintiffs incorporate by reference paragraphs 1 through 110 of this Petition.

112. The conduct of the defendants in depriving Clifford "RAY" Hackett of his property (income and assets) without due process of law constitutes a violation of plaintiff's rights under the 5th Amendment to the United States Constitution, as incorporated to the States through the 14th Amendment.

113. The defendants owed Clifford "RAY" Hackett a duty under the 5th and 14th Amendments not to violate his rights under the United States Constitution as a citizen of the United States. The defendants' overt acts of fraud denied him due process of law by influencing his attorneys through ineffective assistance of counsel.

114. The conduct of the defendants to participate in a conspiracy to deprive Clifford "RAY" Hackett of his income and assets and his right to be heard was an obvious interference with attorney/client privilege.

115. Plaintiff relied in good faith that the attorneys, judges and other court officials would act legally and ethically in resolving his divorce.

116. The illegal and unethical conduct of the defendants constitutes denial of plaintiff's due process rights under the 5th and 14th Amendments to the United States Constitution.

117. The defendants breached the duty owed Clifford "RAY" Hackett and willfully deprived him of his property and his right to be heard.

118. As a result of the defendants' conduct to deprive Clifford "RAY" Hackett of his due process rights, plaintiff has suffered damages in excess of \$75,000.00.

WHEREFORE, plaintiff respectfully requests judgments of the court against all of the defendants awarding to plaintiff (i) damages in excess of \$75,000.00 for each defendant; (ii) pre- and post-judgment interest; (iv) costs, including reasonable attorney fees for this action; and (v) any other relief deemed just and equitable by the court.

2. Civil Conspiracy and/or Collusion

119. Plaintiffs incorporate by reference paragraphs 1 through 118 of this Petition.

120. The conduct of the defendants to devise a plan to deprive Clifford "RAY" Hackett of his assets, including but not limited to: denying Mr. Hackett an attorney although Mr. Hackett's liberty was at risk, while granting his wife an attorney although her liberty was not at risk, dragging Mr. Hackett's divorce out indefinitely and convincing other defendants to "go along with the game," constitutes civil conspiracy and/or collusion.

121. By participating in the plan to deprive Clifford "RAY" Hackett of his assets, the defendants acted with the intent of engaging in illegal and unethical activities to deplete Mr. Hackett of his assets which included his life's work and savings, having full knowledge that such acts were substantially certain to result in injury and detriment to Clifford "RAY" Hackett and his family.

122. The conduct of the defendants in conspiring to deprive Mr. Hackett of his income and assets which destroyed his family relationships and damaged his health constitutes civil conspiracy and/or collusion.

123. The conduct of all of the defendants set forth herein constitutes civil conspiracy and/or collusion.

124. As a result of the defendants' civil conspiracy and/or collusion, plaintiff has been damaged in excess of \$75,000.00.

WHEREFORE, plaintiff respectfully requests judgments of the court against the above named defendants awarding to plaintiff (i) damages in excess of \$75,000.00 for each defendant; (ii) pre- and post-judgment interest; (iii) costs, including reasonable attorney fees, for this action; and (iv) any other relief deemed just and equitable by the court.

3. Fraud and Misrepresentation

125. Plaintiff incorporates by reference paragraphs 1 through 124 of this Petition.

126. By participating in a plan to engage in overt acts to fraudulently deprive Clifford "RAY" Hackett of his income and assets while using the legal system as their "front," all of the defendants had full knowledge that their acts and failures to act were substantially certain to result in injury and detriment to Clifford "RAY" Hackett and his family.

127. At all relevant times, the defendants recognized that engaging in the fraudulent overt acts to disperse Clifford "RAY" Hackett's income and assets would result in mental anguish and severe detriment to Mr. Hackett and his family.

128. At all relevant times, Clifford "RAY" Hackett was without knowledge or means of knowing that the court system was untrustworthy, and was trusting and relying on his counsel's knowledge to finalize his divorce and conduct proceedings legally and ethically so that a fair division of his assets and income would result.

129. At all relevant times, Clifford "RAY" Hackett believed and relied that the attorneys, judges and court officials were acting in good faith, believing that his divorce proceedings were being conducted in an ethical manner.

130. At all relevant times, Clifford "RAY" Hackett was unaware of the defendants' participation in a plan to deprive him of his income and assets, and that they were acting with willful rendering of imperfect performance in their respective positions.

131. The defendants' participation in a devious plan to deprive Clifford "RAY" Hackett of his income and assets was with the intent and full knowledge that their conduct was substantially certain to result in injury, death and detriment to Mr. Hackett and his family.

132. The defendants' conduct was to inflict emotional distress on Mr. Hackett by abusing their power.

133. The conduct of the defendants to engage in the aforementioned plan constitutes fraud by commission/silence and intentional fraud.

134. As a result of the defendants' fraud by commission/silence and intentional fraud, plaintiff has been damaged in excess of \$75,000.00.

WHEREFORE, plaintiff respectfully requests judgments of the court against the above named defendants awarding to plaintiff (i) damages in excess of \$75,000.00 for each defendant; (ii) pre- and post-judgment interest; (iii) costs, including reasonable attorney fees, for this action; and (iv) any other relief deemed just and equitable by the court.

4. Intentional Infliction of Emotional Distress

135. Plaintiff incorporates by reference paragraphs 1 through 134 of this Petition.

136. The defendants' conduct in participating in a devious plan to deprive plaintiff of his income and assets without finalizing his divorce for five years was extreme and outrageous.

137. At all relevant times, the defendants' participation in the devious plan was intentional and with full knowledge that their conduct was substantially certain to result in severe emotional distress and bodily harm to plaintiff.

138. The conduct of the defendants to participate in a devious plan to deprive plaintiff of his income and assets over five years was in bad faith, and violated the duties of good faith and fair dealing toward the plaintiff in this matter.

139. The conduct of the defendants was so outrageous in character, and so extreme in degree, as to go beyond all bounds of decency, and to be regarded as atrocious, and utterly

intolerable in a civilized society. Reciting the facts in this matter to an average person causes resentment toward all defendants, and leads them to exclaim: "Outrageous!"

140. Due to the defendants' acts and failures to act, plaintiff suffered extreme emotional distress, mental anguish and bodily harm.

141. The outrageous conduct of the defendants constitutes intentional infliction of emotional distress.

142. As a result of the outrageous conduct by all defendants, plaintiff has been damaged in excess of \$75,000.00.

WHEREFORE, plaintiff respectfully requests judgments of the court against all of the defendants awarding to plaintiff (i) damages in excess of \$75,000.00 for each defendant; (ii) pre- and post-judgment interest; (iii) costs, including reasonable attorney fees, for this action; (iv) injunctive relief enjoining all defendants from continuing the intentional infliction of emotional distress; and (v) any other relief deemed just and equitable by the court.

Respectfully submitted,

Clifford "RAY" Hackett
440 Kapiolani, Hilo, hawaii, 96720, Phone: (808)365-9745

By _____
Clifford "RAY" Hackett, pro se

DEMAND FOR JURY TRIAL

Plaintiff respectfully requests that the issues in this matter be heard by a jury.

Respectfully submitted,

Clifford "RAY" Hackett
440 Kapiolani, Hilo, hawaii, 96720, Phone: (808)365-9745

By _____
Clifford "RAY" Hackett, pro se

DESIGNATION OF TRIAL

Plaintiff designates Hilo, hawaii, 96720 as the location for the trial in this matter.

Respectfully submitted,

Clifford "RAY" Hackett
440 Kapiolani, Hilo, hawaii, 96720, Phone: (808)365-9745

By _____

Clifford "RAY" Hackett, pro se