

4-6-2013

# Clark v. Cry Baby Foods, LLC Appellant's Reply Brief Dckt. 40016

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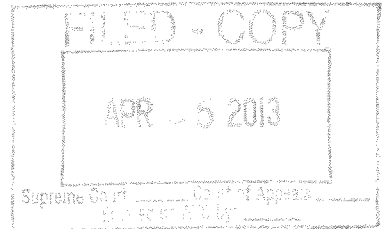
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James Clark Appellant/ *pro se*

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>JAMES W. CLARK,</b>	)	<b>SC Docket No. 40016-2012</b>
<b>Claimant, Appellant</b>	)	<b>IC.2008-013505</b>
<b>v.</b>	)	
<b>CRYBABY FOODS LLC, EMPLOYER</b>	)	
	)	<b>APPELLANT RESPONSE TO</b>
<b>and</b>	)	<b>COMMISSIONS DENIAL OF</b>
	)	<b>APPELLANTS STAY OF ALL</b>
<b>IDAHO STATE INSURANCE FUND</b>	)	<b>PROCEEDINGS AND</b>
<b>SURETY</b>	)	<b>APPELLANTS REPLY</b>
	)	<b>BRIEF</b>
<b>DEFENDANTS, RESPONDENTS</b>	)	<b>FILED APRIL 5 2013</b>

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**I JAMES CLARK RESPONDS BY STATING THAT THE HONORABLE JUDGE DOUGLAS DONAHUE SHOULD HAVE CLEARLY REMOVED HIM SELF BEFORE APPELLANTS HEARING OF NOVEMBER 17 2010 DUE TO CONFLICT OF ENTRUST. THE COMMISSIONS FINDING OF FACT AND CONCLUSION OF LAW CLEARLY IS NOT HELD TOGETHER WITH THE TRUTH. THAT IS STATING IT MILDLY.**

## 1. STATEMENT OF THE CASE

### A. Introduction.

The present matter involves an appeal of the Idaho state industrial Commission's findings of fact, conclusion of law and order of May 2 2012 in regards to a hearing of November 17 2010 in which the claimant believed was a hearing to see if claimant was still MMI. Honorable judge Douglas Donahue was assigned as referee of the case. The claimant suffered a serious and life threatening accident that almost took claimants life and the loss of claimants arm from the med forearm to his finger tips off and or both on April 17 2008 through no fault of the claimant.

The claimant fought for ten minutes till an employer was able to get the machine turned off.

Claimant should be entitled to medical treatment and PPI payment up to and beyond the date of impairment rating by DR. Hansen on May 17 2009 and second impairment rating of DR. Hansen submitted September 2009 impairment rating that was also done prior to hiring Lynn luker January 7 2010.

And PPI and medical treatment beyond the three commissions brief

filed with the supreme court on the decision to not disturb honorable Douglas Donahue beyond and order. Clearly the claimant had the paper work and doctors reports by claimants treating physicians to show that claimant was totally disabled under the odd-lot workers act.

The claimant hire an attorney Lynn m luker/legislator for the state of Idaho who sets as vice chair for the industrial commission judicial rules on January 7 2010 almost two years from said accident off a(ask attorney question web page site ) witch also took over claimants SSD and negotiated on behalf of claimant SSD claim at least on three deferent accessions, which claimant had filed for while claimant was hospitalized in September of 2009 due to the effect of the claimants work related injury of April 17 2008.

Lynn M luker legislator for the state of Idaho contacted claimant In late December 2009 about complex questions *on how the Idaho state insurance fund had committed fraud by receiving private heath records on the injured worker* and how the Honorable Douglas Donahue is allowing the state insurance fund actions to go unpunished and the fraud and the clear act of bad faith on behalf of jewel Owen senior legal claims examiner for the state of Idaho and got together after the Christmas holidays.

**LYNN M. LUKER legislator** of the state of Idaho was vice chair for the judicial committee for the Idaho state industrial commission at time of retention quit on the claimants worker compensation claim December 20 2010 And granted by the Idaho state industrial

Commission on December 23 2010 on reason unknown to claimant other than Lynn luker did not like my question our opinion on how he is not doing anything that was promised at time of hiring about bills that are still owed and other matters that he said he would take care of when I hired Lynn luker on January 7 2010.

Claimant then hired Lynn luker back on December 27 2010 after talking with Lynn luker over the phone at the request of Lynn luker claimant agreed to give up claimants SSD and send Lynn luker a letter asking him to be rehired to finish claimants claim and to work on a settlement offer of 120.000 dollar the state insurance fund made one day before Lynn luker quit on December 20 2010.

Lynn luker quits again on December 29 2008 for claimant did not want the cash but needed and stated in a letter we are right back with the commission granting my withdrawal and claimant said know way.

The claimant did not want the money the claimant needed the counseling's do to the effect of the April 17 2008 accident. And Lynn luker quit with still all the deposition still in place from when he quit on December 20 2010 Lynn luker during his counsel based on the seriousness of the accident did not and would not and claimant can show did not ask our have anyone talk on behalf of the claimant against the Idaho state insurance fund hired doctor without calling one (or any) one for claimants hearing nor did my attorney pay to have any for claimant  
**MARCH 10, 2013, JAMES W. CLARK, I have been defamed, libeled, and slandered, AND Fraud Committed AGAINST, MY RIGHTS THAT'S**

PERFECTED UNDER A FEDERAL LAW (45 CFR PART 16, ON 3 TIMES

NOW FOR FACT) by Jewel Owens senior legal claim examiner & many. I

James w. Clark request that each defamatory, libelous, malaise and slanderous documents , & statement be corrected and retracted in as conspicuous and public a manner as that in which the statements were published, and that the retractions and corrections be accompanied at the same time by an editorial in which the statements are specifically repudiated.

Please send proof of correction and retraction to JAMES. CLARK  
3515 HARNEY Street VANCOUVER WASHINGTON 98660 & TO THE  
'IDAHO supreme COURT OF appeal Boise IDAHO 83720-0101  
REFERENCE CASE to DOCKET 40016-2012

A libel is a false and malicious defamation of another, expressed  
Print, writing, pictures, or signs, *tending to injure the regulation*  
*of the person* and exposing him to ~public hatred, contempt, or  
ridicule. Slander consists in: (1) Imputing to another a crime  
punishable by law; (2) Charging a person with having some  
contagious disorder or with being guilty of some debasing act lithic  
may exclude him from society; (3) Making charges against another in  
reference to his trade, office, or profession, calculated to injure him

THIS RESPOND BRIEF BEFORE THE IDAHO SUPREME COURT FILED ON THE 5<sup>TH</sup> DAY OF APRIL 2013 IN  
APPELLANTS APPEAL IS A UNJUST TO THE INJURED WORK DO TO ALL THE ALTER DOCUMENT APPELLANT  
HAS UNCOVERED AND SHOWED TO THE IDAHO GOVERNOR'S OFFICE ON APRIL 4 2013 pg 4

therein; or (4) Uttering any disparaging words productive of special damage which flows naturally therefrom, Malice is inferred the character of the charge. Based upon information that I have received, I request correction an retraction from the following people and groups/organizations: LYNN LUKER FOR THE LAW FIRM AND

claim after he quit with lies witch( I was denied by the commissioner HONORABLE DOUGLAS DONOHUE WHO WAS ASCEND TO THE COMPLAINT OF APRIL 17 2008 FOR HE IDAHO STATE INDUSTRIAL order that appellant had fired an attorney by the name Roger brown for I the appellant did not like the way he was handling my case and went pro se after that. Which is a straight out lie. And false statements

JEWEL OWEN legal claims examiner WITH THE IDAHO STATE INSURANCE *FUND* committed fraud on the appellant on august 2008 those record and UN truth statement that I was able to have erased from the records in with they received and used

D.SC.)Thomas MAS P BASTIAN CHAIRMAN OF THE IDAHO STATE INDUSTRIAL COMMISSION WITH THE IDAHO he felt no reason to disturb the Honorable Douglas DONOHUE findings of facts & conclusion of law order SANDY BASKETS VIIIITHTHE IDAHO

STATE INDUSTRIAL COMMISSION REHABILITATION DEVISSION IN

PAYETTE Idaho employment office. State~!din her report that appellant had been in prison for several years prior to 1993 that is and was a straight out lie that I was incarcerated in 2006 witch again is straight out

Marie Wilson/Arnold clerk of the records for the Idaho state

Industrial commission Mindy Montgomery DIRECTOR, OF THE

IDAHO STATE INDUSTRIAL COMMISSION FOR THREAT and

INTIMIDATION TO HAVE ONES FREEDOM TAKEN AWAY IF CLAIMANT

come to Idaho to confront them about the lies that the Idaho industrial

commission has posted on their web page. CRUM FROM BOISE IDAHO

hired by the Idaho state insurance fund Who stated in his report for the

state fund hat I was not working from 1993 to the present Possibly due to

drug addiction but if one is to read my work history that is a lie and other

lies. He had posted for the benefit of the Idaho state insurance fund.

KYLE, CHAIRMAN FORT HE IDAHO STATE INDUSTRIAL COMMISSION

RICHARD WILSON MD. NEUROLOGIST IN BOISE IDAHO HIRED BY

THE IDAHO STATE INSURANCE FUND STATED CLAIMANT WAS FAKING

BAD in his report and other.



lies to benefit the Idaho state insurance fund. CRAIG BEAVER,  
PH.D. HIRED BY THE: IDAHO STATE INSURANCE FUND false  
statements TO HELP benefited the Idaho state insurance fund  
State INSURANCE FUND. Had on October 10 2008 the same medical  
records that the state insurance fund was telling the commission for 2 and  
a half months that without my syncing of these HIPPA medical release  
forms the state fund could not get these records that are perfected under  
federal law but infect had gotten Another lies he put in his letter how only  
5% of my P.T.S.D. fighting for my life was caused by the injury of April 17  
2008 R.D. MAYNARD, CHAIRMAN FORTHE IDAHO

STATE INDUSTRIAL COMMISSION for allowing the lying in the  
commissions filings to continue to be said. THOMAS E. LIMBAUGH,  
CHAIRMAN FORT HE IDAHO STATE INDUSTRIAL COMMISSION to  
allow the lying in the commissions filings to continue to be said. Carol

GARLAND FORT HE IDAHO STATE INSURANCE FUND for  
putting together a

fraudulent job site evaluation on May 29 2008 and committing malaise

for butting one life in danger on May 29 2008 ALAN K. HULL, ISB

NO.:1568

OF THE FIRM ANDERSON, Julian &HULL LLP had altered a medical document by appellants doctor make one look as it was wrote when it had not and other lies prior to January O'BAR ISB NO. 5823 THE FIRM

ANDERSON ,Julian @ HULL LLP had stated in her motion to shorten time to have Jewel Owen to testify via phone filed 2009 witch was denied by a commissions order in 2009, that also denied before the hiring of Lynn m luker in 2010, Racheal O'bar also stated that the appellant had went to his job to force them to pay more. And other false statements made in her filing prior to January 2010.

And the altered documents submitted to the Supreme Court from THE LAW FIRM ANDERSON, JULIAN HULL LLP. The law fern of Anderson, Julian & Hull LLP allowed these lies To be stated by their lawyer for their firm without facts "prior to January 2010 .RACHEAL M O/BAR ISB

NO. 5823 LAWYER/attorney FOR THE FIRM ANDERSON, Julian @HULL LLP had stated in her second

affidavit of motion to shorten time filed November 2010 to have Jewel

Owen to testify via phone filed that it was her personal knowledge that had an attorney for almost a year and had not talk to anyone other than my attorney who quit December 20 2010

This notice is and has being published on the Internet AND SENT TO THE IDAHO SUPREME court to be filed before the Idaho supreme court to qualify for punitive damages

**JAMES W Clark** I, James CLARK, am not an attorney. This website expresses My OPINIONS.

The comments of visitors or guest authors to the website are their opinions and do not therefore reflect my opinions. Anyone mentioned by name in any article is welcome to file a response. This website does not provide legal advice. I do not give legal advice. I do not practice law. This website is to expose Whatever this website says about the law is presented in the context of how I or others perceive the applicability of the law to a set of circumstances if I (or some other author) was in the circumstances under the conditions discussed. Despite my concerns about lawyers in general, I suggest that anyone with legal questions consult an attorney for an answer, particularly after reading anything on this website. The law is agree area at best.

Jewel Owen legal claim examiner for the Idaho state insurance fund

**committed fraud and bad faith filing against the injured worker/claimant/  
appellant on august 1 2008**

Jewel Owen legal claim examiner for the Idaho state insurance fund

**committed fraud and bad faith filing against the injured worker/claimant/  
appellant on august 7 2008**

Jewel Owen legal claim examiner for the Idaho state insurance fund

**committed fraud and bad faith filing against the injured worker/claimant/  
appellant on 11 2008**

I James Clark sent a true and correct copies of the brief by way of  
hand delivered to:

Idaho supreme court

And the law firm of Anderson Julian and hull

On this 6<sup>th</sup> day of march 2013