

PETITION 9  
PETITION FOR REDRESS OF GRIEVANCE

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**TO:** The Honorable House of Representatives  
**FROM:** Petitioner Representative Paul Ingbretson, Graf. 5  
**DATE:** September 24, 2009  
**SUBJECT:** Grievance of [REDACTED]

Whereas, the New Hampshire Bill of Rights at Article 8, Part First of the New Hampshire Constitution provides that "All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive;" and

Whereas, the New Hampshire Bill of Rights at Article 35, Part First of the New Hampshire Constitution provides that "It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the Judges of the supreme judicial court should hold their offices so long as they behave well;" and

Whereas, the New Hampshire Bill of Rights at Article 37, Part First of the New Hampshire Constitution provides that "In the government of this state, the three essential powers thereof, to wit, the legislative, executive, and judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity;" and

Whereas, the judicial branch has used its authority under Article 35 to interpret the separation of powers under Article 37 to insulate itself from accountability to the sovereign people in derogation of Article 8; and

Whereas, this general abuse of authority by the judicial branch has resulted in particular oppression and violation of the constitutional and statutory rights of [REDACTED], and consequent harm to [REDACTED] by the Portsmouth Family Division for which, by reason of collusion, conflict of interest, insularity and indifference, there is no practical means of correction within the judicial branch; and

Whereas, the New Hampshire Bill of Rights at Article 32, Part First of the New Hampshire Constitution provides that "The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer;" and

Whereas, the New Hampshire Bill of Rights at Article 31, Part First of the New Hampshire Constitution provides that "The legislature shall assemble for the redress of public grievances and for making such laws as the public good may require;"

Now, Therefore, your Petitioner, Representative Ingbreton, on behalf of [REDACTED] hereinafter presents the particulars of his grievance against the judicial branch, Portsmouth Family Division; Marital Master Philip D. Cross; and Portsmouth District Court Special Justice Judge Sharon N. DeVries, and invokes the constitutional authority and duty of the Honorable General Court pursuant to said Articles 31 and 32 to bring about their redress:

(1) Master Cross held a 2 plus hour long hearing (December 18, 2008) and did not allow [REDACTED] (hereinafter "the petition") to present any information or rebut any of the information presented against the Petitioner by the Respondent. When the Petitioner requested to have even 5 minutes near the conclusion of the Hearing, Master Cross denied the request. The Petitioner was never allowed to address or rebut the lengthy testimony of the Respondent to date.

(2) Master Cross has stated on numerous instances that the Petitioner was not allowed to object to information as the Respondent presented it to Master Cross. Master Cross further stated that if the Petitioner attempted to object over Master Cross's directive to the Petitioner, the Petitioner would not be allowed to participate in the Hearing.

(3) Master Cross has used fictitious grounds for making Orders, [REDACTED]

(4) Master Cross has frequently docket Hearings for dramatically less time than would be minimally required to conscientiously adjudicate family matters issues before Master Cross (despite the repeated objections and requests of the Petitioner and Interveners), thus depriving the Petitioner, children, and Interveners of Due Process and abusing Judicial Discretion.

(5) Master Cross specifically addressed the Petitioner at one Hearing by looking angrily at the Petitioner and stating that Master Cross was "going to make orders you are not going to like" ((or very similar) to the Petitioner) which is a violation of Canon 3 of the Judicial Code of Conduct, section (4) which states:

"A judge shall be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control."

(6) Master Cross has knowingly allowed abusive treatment by opposing Counsel both in and out of the courtroom (this occurred in meeting rooms and in the hallways of the Court as can be attested to by multiple witnesses).

(7) Master Cross has knowingly allowed this family matters case to go on for over 2 years of emotionally torturous, family-destructing, financially and vocationally crippling litigation and has failed to reasonably rule on and implement Orders creating less family litigation. The Petitioner believes this violates Canon 3, section (8) which states:

"A judge shall dispose of all judicial matters promptly, efficiently and fairly."

(8)

[REDACTED] the Petitioner is well aware of Master Cross' violations when Master Cross Ordered payments of over \$50,000 (in approximately 2 years) for Guardian ad Litem work in our case which is a clear and undeniable violation of numerous Orders and laws.

Specifically and in one instance, Master Cross knowingly violated the Order of Appointment of a Guardian ad Litem, the Standing Order for the Guardian, State Laws, abused Judicial Discretion and abused Due Process by ordered over \$43,000 in guardian ad litem bills be paid for work that one GAL did in a 11-12 month period.

(9) Master Cross knowingly violated the laws governing discovery, due process and abused judicial discretion by allowing one party to ask over 4 times the maximum limit of discovery questions, resulting in over 15,000 pages of discovery obligations of one party while the other party did not respond to the original limits of discovery and Master Cross did not enforce disputed discovery issues upon that party.

(10) Master Cross knowingly violated the laws governing discovery, due process and abused judicial discretion by finding the Petitioner (a pro se party) in Final Default on discovery issues without just cause and without hearing (as required by law) on the matter. Despite providing over 15,000 pages of discovery to the Respondent ([REDACTED]) in a family matters case, Master Cross Ordered from the bench that the Petitioner was Final Defaulted (at our July 23, 2009 Hearing). As a direct result of Master Cross' Order, the opposing party was allowed to submit any information desired and the Petitioner was forbidden (by Master Cross) to challenge said information, was not allowed to defend himself legally, was not allowed to provide proof showing the Respondent's allegations/pleadings/requests were untrue and not reasonably calculated and was not allowed to present the hundreds of pages of financial information that evidence and bolster the Petitioner's position, nor was the Petitioner allowed to question the information presented by the Respondent or call witnesses on the Petitioner's behalf.

(11) Master Cross has forbidden the Petitioner to communicate with any of the professionals providing medical care and alleged counseling to [REDACTED] children ([REDACTED]). Master Cross Ordered such despite the clear statements of some of the professionals stating they were willing to meet with and communicate with me regarding the children and that such communication would be "optimal" and in the best interest of the children.

(12) Master Cross has forbidden any of the children's paternal family members to communicate with or spend any time with the children [REDACTED]

[REDACTED]

[REDACTED]



children to endure frequent torturous and needless emotional, physical, and cognitive upheaval, pain, and suffering.

(16) Master Cross willfully misrepresented and refused to allow as evidence many of the findings of medical doctors and professionals which cause needless suffering (to the children, the Petitioner and the paternal family) as well as needless court hearings and state expenditures.

(17) Master Cross has Ordered that the address of the parties children is not allowed to be divulged to the Petitioner or anyone in the paternal family [REDACTED] despite there being no Domestic Violence Order, no Domestic Violence Decree, no Domestic Violence Temporary Order and no Domestic Violence matters before this or any other court in the state regarding the Petitioner nor any history of any Domestic Violence on the Petitioner's part.

(18) Master Cross has forbidden the Petitioner to depose many of the professionals in this case who provide information to the Court, thus creating an environment where they can provide information but the Petitioner cannot in turn conduct due diligence.

(19) Master Cross has been made aware of well over 30 instances of untruths presented by the opposing party and has pointedly been asked (numerous times) to require the opposing party to adhere to the laws and rules governing the conduct of litigants and has failed to do so despite numerous requests. Master Cross' failure to require parties to litigate based on factual information has created tremendous hardships to the children, the Petitioner, the paternal family and the state (in the form of needless hearings and payroll expenditures for state employees).

(20) Master Cross allowed Hearings (the day of the Hearing(s) themselves) to be changed from the docket hearing to completely separate matters (over the Petitioner's objections) and allowed the Hearings to go forward that day without proper notice (noticed jurisdiction) of the subject matter of the hearing, without allowing the Petitioner to have any time to prepare and without allowing the Petitioner to know in advance the alleged experts who were arranged in advance to participate (but without notice to the Petitioner).

(21) Master Cross incrementally took more parenting time away and Intervener time (grandparents) without evidentiary hearings.

(22) Master Cross made substantial changes and created special circumstances by an order which he then represented as minor thus denying due process.

(23) Master Cross ordered the Petitioner to pay half or more of virtually all costs associated with the case and children (GAL fees, medical fees, fees of opposing counsel, counseling fees...) despite the Petitioner being on numerous forms of public assistance

[REDACTED]

Specifically these are many of the forms of assistance the Petitioner is on (due to the costs of litigation and time litigation takes from the Petitioner's daily and vocational life commitments and abilities):

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

(24) Judge Sharon DeVries (the Judge who was signing many of Master Cross's Orders/recommendations), unduly slandered and presented untruths about the Petitioner to 2 of the Petitioner's clients which alarmed the clients and caused significant complications for the Petitioner's business unduly. Further, Judge DeVries should have recused herself from working with the Petitioner's clients due to the very evident conflict of both adjudicating the Petitioner's case and also adjudicating the Petitioner's client's case in which Judge DeVries slanders the Petitioner.

(25) Further cause for alarm exists because Judge DeVries' comments reflect her personal beliefs about the Petitioner, ones which were not brought up in any of the Petitioner's family court proceedings. This evidences Judge DeVries has had Ex-Parte communications regarding the petitioner and violated the Judicial Code of Conduct.

(26) Specifically, Judge DeVries stated the following confirmable untruths to the Petitioner's clients (the Petitioner is a [REDACTED] who works with clients that go to the [REDACTED] Family Court) on June 10, 2008:

"I don't know what he [the Petitioner] represented to you or what he told you.

[REDACTED]

they have to be certified and then they can put out their shingle so to speak, just like dentists, lawyers, masseuses, anyone else."

"We felt [REDACTED] you needed to have disclosure [REDACTED]

[REDACTED]

(27) Judge DeVries also made comments about the Petitioner's website (for the Petitioner's [REDACTED] business) to the Petitioner's clients on her own initiative. This clearly indicates that Judge DeVries chose to either look up the information on her own (acting beyond the role of a Judge) or solicited information from others outside of the case she was adjudicating with the Petitioner's clients.

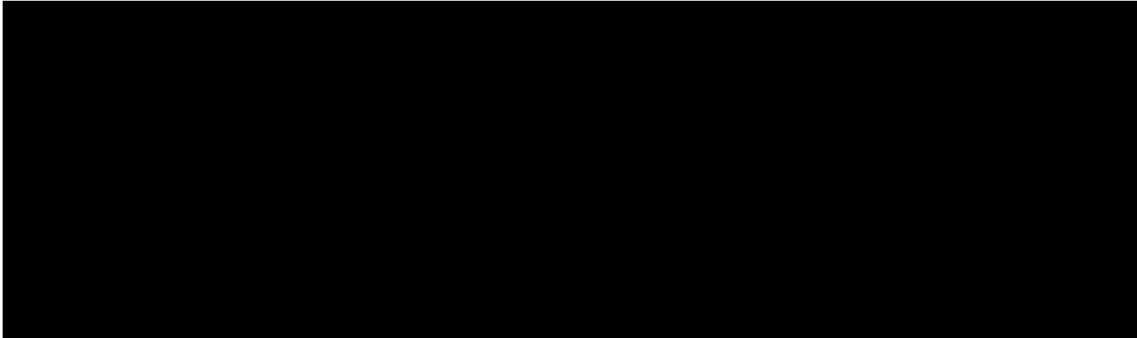
(28) The clients, on the other hand, stated as follows (to Judge DeVries):

[REDACTED]

(29) After Judge DeVries slanderous comments were made, the Petitioner's next clients were sent to all the way to the Salem [REDACTED] Court despite residing in Portsmouth and Stratham, New Hampshire.

(30) Judge [REDACTED] presided over the case in Salem and stated the following related to the Petitioner's [REDACTED] business and work he did with his clients (December 18, 2008):

[REDACTED]



(31) It is clearly telling clear that Master Cross and Judge DeVries are incapable of ensuring the standards required of them by law and by the State are followed and implemented regarding litigation related to the Petitioner in the family Court in Portsmouth and as such have caused tremendous emotional and cognitive harm to the Petitioner's [REDACTED] children and unduly deprived them at the most critical point of their development of bonds and love that they will likely never fully recover from. The Petitioner and the entire paternal family have also suffered greatly on numerous levels as have the taxpayers of the State of New Hampshire in paying for the exorbitant and completely unnecessary costs of 3 years of litigation before the [REDACTED] Court.

Wherefore, your Petitioner Representative Ingretson, on behalf of [REDACTED], prays that the House of Representatives:

A. Accept the within Petition for Redress of Grievance for enrollment and by vote of the House of Representatives appoint a committee to hold public hearings and examine into the circumstances hereof; and following such hearings and examination, recommend to the full House of Representatives that it:

B. Insert a line item in the Judicial branch appropriation for the current biennium a figure sufficient to reimburse [REDACTED] for his time and expenses incurred in and his financial losses resulting from the case of In the Matter of [REDACTED] Family Division.

C. Initiate address proceedings against marital master Philip D. Cross and Portsmouth District Court Special Justice Judge Sharon N. DeVries;

D. Pass an act directing this case to be assigned to a different court and requiring that court to include in its orders a provision for holding a fact and evidence based hearing as soon as the docket permits (docketed for sufficient time for all matters to be addressed) on all parenting matters and if there is no showing of provable harm to the children that supervision be lifted and that [REDACTED] be awarded full custody of the children pending treatment of the Respondent for psychological and emotional disorders until such a time when the Respondent can participate as a healthy and non-injurious parent in the children's care.

Respectfully Submitted by Petitioner Representative Ingretson on Behalf of [REDACTED].

September 24, 2009