

Verified Correct Copy of Original 10/2/2024.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY

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**JENNIFER CLINCHY**  
**EVANS CLINCHY**  
Plaintiffs  
vs  
**DAVID KOENIG**  
Defendant

10 Case No.: 24CV40178  
11 **REPLY TO COMPLAINT FOR**  
12 **REMEDIAL CONTEMPT**  
13  
14  
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FILED MULTNOMAH CO CIRCUIT CT  
'24 OCT 1 AM 11:34

The complaint for remedial contempt submitted to the court by Michael Fuller on behalf of Jennifer and Evans Clinchy begins with an inaccurate and intentionally deceptive summary of the complaint in case No. 23CV15424 against Jennifer and Evans Clinchy.

The complaint in the previous case explained that Jennifer and Evans Clinchy “undertook a campaign to smear the reputation and tarnish the standing of Plaintiff within the competitive Scrabble community” in far more ways than making statements “in a disciplinary proceeding with the North American Scrabble Players Association (NASPA) concerning David Koenig’s conduct.”

As paragraph 9 of the complaint from the previous case explained, the defamatory documents that Jennifer and Evans Clinchy and their co-defendant BriAnna “Lola” McKissen wrote were first delivered to David Koenig by Steven Pellinen, who was working on behalf of the Word Game Players Organization (WGPO), a rival organization of NASPA. David Koenig

1 has never been a member of WGPO, has never intentionally played in any tournament  
2 sanctioned by them, and has never indicated any interest in doing so.

3 Paragraphs 4 and of 5 of the complaint from the previous case further explained that  
4 Jennifer and Evans Clinchy founded the Collins Coalition (CoCo), which was also a rival  
5 organization of NASPA, and that a motive for the founding of CoCo was the exclusion of David  
6 Koenig. David Koenig has also never been a member of CoCo, has never played in any  
7 tournament sanctioned by them, and has never indicated any interest in doing so.

8 Since 2022, WGPO and CoCo have collaboratively run tournaments together and have  
9 poached tournament directors, players, and events from NASPA, which between 2009 and 2021  
10 had been the only organization running Scrabble tournaments in the USA and Canada which was  
11 sanctioned by the World English-language Scrabble Players Association (WESPA).

12 The defamatory statements by Jennifer Clinchy, Evans Clinchy, and BriAnna “Lola”  
13 McKissen were used in disciplinary proceedings by both WGPO and CoCo to ban David Koenig  
14 for five years, even though he was not part of those organizations and even though he had never  
15 yet shared a single spoken or written word to tell his side of the story. Pressure was then applied  
16 to Michael Tang, a director of tournaments in Singapore and Malaysia, a geographic region  
17 where none of NASPA, WGPO, or CoCo have any jurisdiction, to use the WGPO and CoCo  
18 decisions against David Koenig to exclude him from the Alchemist Cup, an international  
19 tournament that was essentially the “World Cup of Scrabble.”

20 All of this happened before NASPA had its disciplinary proceeding concerning David  
21 Koenig’s conduct. Then Steven Pellinen, the President of WGPO, who was working closely with  
22 Jennifer and Evans Clinchy, pressured the Advisory Board of NASPA to also ban David Koenig  
23 from their tournaments.

1 Evidence clearly demonstrating all of this was presented in Case No. 23CV15424, and  
2 none of it was contested by defendants Jennifer Clinchy, Evans Clinchy, and BriAnna “Lola”  
3 McKissen.

4 None of the claims for Defamation, Intentional Interference with Economic Relations,  
5 and Intentional Infliction of Emotional Distress were “baseless.”

6 Attorney Michael Fuller, who represents Jennifer and Evans Clinchy, has repeatedly used  
7 this word “baseless” both in the previous case and in this complaint because he is obsessed with  
8 creating a false narrative to obscure the horrible behavior of the Clinchys that caused the suit to  
9 be brought forward in the first place and his own deeply unethical behavior that intimidated my  
10 previous attorney to the point where he was afraid to represent me, forcing me to represent  
11 myself *pro se* and causing Mr. Fuller to be investigated by the Oregon State Bar for ethics  
12 violations, an investigation that is still pending.

13 It should come as no surprise that Mr. Fuller peddles false narratives, because throughout  
14 the previous case he consistently lied in his letters to me and my former counsel, in emails that  
15 he sent to the court staff, in filings that he made in the case, and even out loud to the judge’s face  
16 in our only in-court hearing.

17 In contrast, I have never lied, nor been deceptive about the truth in any way, throughout  
18 all of the communication that I have made in this story, including in all of my communications  
19 with the Scrabble organizations during our disciplinary processes, all of my public postings  
20 revealing the details of this story on splenetic.net, all of my filings with the courts, and all of my  
21 writings to the Oregon State Bar detailing the wrongdoing of Mr. Fuller.

22 Furthermore, I have been very open in admitting when and how my former attorney Marc  
23 Mohan made honest mistakes in good faith in conducting some elements of Case No.

1 23CV15424, and in admitting mistakes in communication that I made back in 2016 and 2017  
2 that led to Jennifer and Evans Clinchy developing a massive vendetta against me. In my writings  
3 on the splenetic.net blog about the story, I have also been very open to sharing uncomplimentary  
4 details about myself. I have always striven for telling the story fairly and accurately and have  
5 never put my own ego or interests above the truth.

6       If we are going to use the word “baseless” for any element of this story, it should be used  
7 for Mr. Fuller’s repeated accusations of my supposed “bad faith litigation conduct” in the  
8 previous case. I provided full explanations and supporting evidence to show not only that every  
9 single one of his accusations was empty, but also that he intentionally lied over and over again in  
10 making those accusations.

11       If anyone with any degree of intellectual honesty takes the time to read over the filings of  
12 the previous case, and/or the ethics complaint to the Oregon State Bar, and/or the detailed  
13 analysis of the case that I presented on the splenetic.net blog, that person cannot deny the  
14 following conclusion: That David Koenig is an impeccably honest person, who will never lie and  
15 will not shy away from speaking the truth even when other people punish him for doing so, and  
16 that Michael Fuller is a pathological liar, who constantly spews untruths, unsupported  
17 conjectures, and intentional deception.

18       Unfortunately, Mr. Fuller’s deceptive and bullying behavior succeeded in creating a large  
19 amount of bias against David Koenig and against the case in which he was a plaintiff in the mind  
20 of Judge Kelly Skye. The judge began our only hearing on August 16th, 2023 by chewing out  
21 plaintiff David Koenig, as if he had done anything wrong regarding a protective order of May  
22 25th, 2023, when the truth was that Michael Fuller and David Koenig’s previous counsel Marc  
23 Mohan had put the protective order into effect behind David Koenig’s back, and that Mr. Fuller’s

1 unethical use of the protective order was the primary reason that Mr. Fuller is being investigated  
2 for ethics violations and that David Koenig had to represent himself *pro se*.

3       After this short conversation about the protective order, Judge Skye began the hearing  
4 regarding the motions to strike in the following way:

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6       *Judge Kelly Skye: So, I have read the briefing on all of the defendants' motions to strike.*  
7       *They're well briefed, and I will tell you preliminarily that I am inclined to grant them. So*  
8       *rather than start with the people who filed the motion, I'm just gonna go straight to you.*  
9       *And then I will allow Ms. Vaughn and Mr. Fuller to respond after you. Okay?*

10

11       *David Koenig: Okay. So you say that you have read the—their motions. Did you read*  
12       *my—the response from me?*

13

14       *Judge Kelly Skye: I thumbed through your response.*

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16       At the top of the blog post <https://splenetic.net/the-prejudice/>, there is a recording of  
17 those words being spoken. There is also a link further into the post of the entire recorded hearing.

18       Not only did Judge Kelly Skye plainly admit that she had read only one side of the story  
19 and that she was already inclined to throw my case out before I gave a single oral argument  
20 against the motions to strike; she also showed throughout the hearing a strong aversion to  
21 listening to any arguments about Mr. Fuller's bad faith litigation conduct. It should be obvious to  
22 anyone who does the reading and who listens to this hearing with any degree of detached  
23 objectivity that Judge Skye had enormous bias in this case that was most likely in no small part

1 due to the lies that Mr. Fuller told, *his* bad faith litigation conduct, and his *false* accusations of  
2 bad faith litigation conduct by me, which was absolutely nonexistent.

3 In short, Judge Kelly Skye believed the deceptive presentation of the case from the  
4 defense attorney and was not inclined to take the plaintiff's case—*which she did not*  
5 *read*—seriously, and she refused to even consider the very strong evidence that the defense  
6 attorney Michael Fuller was lying about everything and that the plaintiff David Koenig was  
7 telling the truth about everything.

8 I am aware that according to the letter of the law this case for remedial contempt is not  
9 the place to be re-litigating Judge Skye's poor and uninformed decision to uphold the defendants'  
10 motions to strike, which resulted in a mandatory award of defense fees. However, the abusive  
11 and defamatory behavior of the Clinchys towards me, which stretches back to the beginning of  
12 2017, has caused me psychiatrist-diagnosed PTSD and left me unable to work for the last three  
13 years, and for more than four of the last five years. It has cratered my career, obliterated my  
14 savings, and caused a tidal wave of resentment against me that has cost me almost all of my  
15 connections to my community and family.

16 I can no longer afford a lawyer. Despite many efforts to seek legal aid to fight against the  
17 unjust decision to uphold the motions to strike and the resultant award of attorney fees and to  
18 pursue malpractice claims against Marc Mohan, who badly mismanaged my case, I have been  
19 unable to get any help whatsoever. Over the last year since Judge Skye's terrible decision in our  
20 August 16th, 2023 hearing, I have barely been able to maintain the sanity to survive. Making  
21 progress on challenging the ways in which the Multnomah County Circuit Court failed me  
22 without having a lawyer was beyond my financial, emotional, and mental capacity, as has been  
23 making any useful progress on getting myself employed again. I have spent so many days alone

1 in my apartment screaming my head off that my landlord said he might have to evict me because  
2 of noise complaints. It is only in the last seven weeks that I was prescribed alprazolam, the  
3 generic equivalent of Xanax, which has helped curtail the screaming and stopped me—at least  
4 for now—from becoming homeless.

5       Legal authority derives its worth from moral authority. When the law operates without  
6 moral authority, we have a moral obligation to resist it. This is a principle on which our country  
7 was founded. Judge Kelly Skye’s handling of the hearing about the motions to strike on August  
8 16th, 2023 has abrogated her moral authority and has therefore made her legal authority  
9 meaningless. As such, I do not respect her September 5th, 2023 order granting the motions to  
10 strike and all of the legal results that stemmed from it.

11       I am aware that according to the letter of the law my disobedience of and resistance to the  
12 court’s orders to answer questions in a debtor’s exam and to produce interrogatory responses  
13 constitute contempt. I do not consent to any remedial sanctions for contempt, just as I do not  
14 consent to the award of attorney fees that Judge Kelly Skye already ordered. I believe that the  
15 court holding me in contempt would be a case of blindly following the letter of the law in a way  
16 that rewards abusers and punishes their victim and would only serve to distance the court’s legal  
17 authority even further from moral authority.

18       Although I have no desire to be held “in contempt of court” in the legal sense, contempt  
19 is the perfect word to describe my attitude toward legal authority devoid of moral authority.

20       I am attaching as an exhibit a printout of my September 27th, 2024 blog post at  
21 <https://splenetic.net/the-prejudice/> which links to the full audio of the August 16, 2023 hearing  
22 and includes a more detailed examination of Judge Kelly Skye’s bias in handling the hearing.

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