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8       **SUPERIOR COURT OF THE STATE OF WASHINGTON**  
      **IN AND FOR THE COUNTY OF KITSAP**  
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10      JOHN DAVID DU WORS, an individual,

11               Plaintiff,

12               v.

13      JENNIFER SCHWEICKERT,

14               Defendants.

NO.

**SUMMONS**

1 TO THE DEFENDANT, JENNIFER SCHWEICKERT:

2 A lawsuit has been started against you in the above entitled court by JOHN DAVID DU  
3 WORS, plaintiff. Plaintiff's claims are stated in the written complaint, a copy of which is served  
4 upon you with this summons.

5 In order to defend against this lawsuit, you must respond to the complaint by stating your  
6 defense in writing, and by serving a copy upon the person signing this summons within twenty  
7 (20) days after the service of this summons, excluding the day of service, or a default judgment  
8 may be entered against you without notice. A default judgment is one where plaintiff is entitled to  
9 what it asks for because you have not responded. If you serve a notice of appearance on the  
10 undersigned person, you are entitled to notice before a default judgment may be entered.

11 You may demand that the plaintiff file this lawsuit with the court. If you do so, the  
12 demand must be in writing and must be served upon the person signing this summons. Within 14  
13 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service  
14 on you of this summons and complaint will be void.

15 If you wish to seek the advice of an attorney in this matter, you should do so promptly so  
16 that your written response, if any, may be served on time.

17 This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State  
18 of Washington.

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20 DATED this 11th day of November, 2015.

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22 By:

  
John Du Wors, WSB No. 33987  
John@newmanlaw.com

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25 Attorney for Plaintiff

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**IN AND FOR THE COUNTY OF KITSAP**

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11 Plaintiff,

12 v.

13 JENNIFER SCHWEICKERT,

14 Defendant.

NO.

**COMPLAINT FOR DAMAGES**

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## I. INTRODUCTION

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1. Plaintiff John David Du Wors (“Plaintiff”) brings this complaint for damages and injunctive relief against Defendant Jennifer Schweickert (“Defendant”).

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2. Plaintiff is an attorney who represented criminal defendant Mark Phillips in a trial for alleged white collar fraud. That case related to Phillips’ alleged misappropriation of funds from MOD Systems, Inc. Phillips served as chief executive officer for that company.

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3. Defendant Jennifer Schweickert is Mr. Phillips’ wife. At Mr. Phillips’ behest, Ms. Schweickert brought claims against Mr. Du Wors for, *inter alia*, fraud. The trial court dismissed Ms. Schweickert’s claims on summary judgment with prejudice. In retaliation for that dismissal, Ms. Schweickert submitted a bar complaint against Mr. Du Wors. Mr. Du Wors brings this action for abuse of process and malicious prosecution seeking damages and injunctive relief for Ms. Schweickert’s repeated misuse of legal processes to vindicate the felony conviction of her husband.

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## II. PARTIES, JURISDICTION AND VENUE

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4. This Court has original jurisdiction over the subject matter of this action pursuant to RCW § 2.08.010.

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5. This Court has personal jurisdiction over Defendant pursuant to RCW § 4.28.080.

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6. Venue is proper in Kitsap County pursuant to RCW § 4.12.020(3) because

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7. Defendant Schweickert is a resident of King County Washington.

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8. Plaintiff Du Wors is a resident of Kitsap County.

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9. A portion of the facts of this case arose in Kitsap County.

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## III. FACTS

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10. In early 2011, Plaintiff John Du Wors represented a criminal defendant named

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Mark Phillips in a white collar fraud prosecution styled USA v. Mark Phillips, U.S.D.C W.D.

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WA, case no. 2:10-cr-00269-JCC.

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11. After Mr. Phillips was convicted of felony fraud, Mr. Phillips served a period of

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years in federal prison. Upon release from prison, Mr. Phillips demanded that Mr. Du Wors pay

Mr. Phillips several hundred thousand dollars. When Mr. Du Wors rejected the demand, Mr. Phillips submitted a bar grievance against Mr. Du Wors, which was rejected. And Mr. Phillips initiated malpractice litigation against Mr. Du Wors. Mr. Phillips' malpractice litigation was resolved for a nominal sum after Mr. Phillips declared bankruptcy.

12. Concurrently, Phillips' wife, Defendant Jennifer Schweickert, initiated litigation against Mr. Du Wors at Mr. Phillips' behest. That case was filed before Judge Ricardo Martinez in the U.S. District Court for the Western District of Washington, case no. Case No. 2:13-cv-00675-RSM. The court in that case dismissed Ms. Schweickert's claims with prejudice on summary judgment.

13. In retaliation for the dismissal, Ms. Schweickert submitted a bar grievance against Mr. Du Wors even though Ms. Schweickert has never been Mr. Du Wors' client.

14. Ms. Schweickert's bar grievance was entirely without merit, as Ms. Schweickert was never Mr. Du Wors' client, they have never met and they have never had dealings besides a brief phone call in 2011.

#### **IV. FIRST CAUSE OF ACTION**

### **(Abuse of process)**

15. Plaintiff reincorporates and realleges paragraphs 1 through 14 as though fully stated herein.

16. In filing her lawsuit and bringing her complaint, Ms. Schweickert was motivated by an ulterior purpose to accomplish an object not within the proper scope of those legal processes.

17. In undertaking those legal processes, Ms. Schweickert acted in a manner not proper in the regular prosecution of proceedings.

## V. SECOND CAUSE OF ACTION

### **(Malicious prosecution)**

18. Plaintiff reincorporates and realleges paragraphs 1 through 17 as though fully stated herein.

19. Ms. Schweickert's lawsuit was instituted by Defendant Schweickert.

20. That proceeding was instituted out of malice.
21. The lawsuit was terminated on the merits in favor of Plaintiff Du Wors.
22. Mr. Du Wors suffered injury and/or damage as a result of the prosecution.

## **VI. PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff John Du Wors requests the following relief:

23. Compensatory damages in an amount to be proved at trial;
24. Injunctive relief, preventing further misuse of legal process against Mr. Du Wors;
25. Attorney's fees, legal costs, and interest; and
26. Such other and further relief as the Court deems appropriate.

**DATED this 11th day of November, 2015.**

By:

  
John Du Wors  
John Du Wors, WSBA No. 33987  
[john@newmanlaw.com](mailto:john@newmanlaw.com)

**Attorney for Plaintiff**