

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOHN & GRACE HUMMASTI,
PLAINTIFFS,
VS.
JOHN BUCKMASTER, MD., ET. AL.,
DEFENDANTS.

CIVIL NO. 06-251-ST
PLAINTIFF'S MOTION IN
OPPOSITION

Comes now, John & Grace Hummasti, and hereby submits this MOTION IN
OPPOSITION to Defendants Motion to Dismiss the Complaint.

In Support thereof, Plaintiffs aver the following:

- 1) Although Defendants have not been served a copy of the Amended Complaint, nor Summoned to Appear and File an Answer to the Complaint; lack of Service and Process of the Complaint is not grounds for Dismissal of an Action where Service and Process is perfected by the agency of the United States Marshals and the US Marshals have not been Ordered to Perfect Service and Process.
- 2) Lack of a valid telephone number is not grounds for dismissal of a Complaint as there are other means of communicating with Plaintiffs.
- 3) Although negligence is a stated basis for a claim in the instant action, it is not the sole basis for Plaintiff's stating claims against the Defendants. Other grounds, *inter alia*, include, Denial of Due Process of Law under the Color of State Law (ORS 677.097) and Impairment of an Obligation of a (Foreign) Contract (or *Ketuvah*) under the Color of State Law in violation Article I, Section X of the United States Constitution.

Plaintiffs aver that this Honorable Court should ORDER the US Marshals to
Serve the Defendants with a Copy of the Amended Complaint and serve the Summons'
on Defendants Requiring them to File an Answer to the Complaint.

Moreover, Plaintiffs aver that as set forth in their Memorandum of Law in
Support of their Complaint, they have made out an adequate claim under the Fourteenth
Amendment's Equal Protection of the Law Clause as a basis for their claims Denial of

Equal Protection of the Law and unlawful Impairment of Obligations of a (Foreign) Contract under the Color of State Law. See Supporting Declaration Attached hereto.

Although the basis for Defendants' Memorandum of Law is the Magistrate's Findings and Recommendations filed in the instant case, that Finding and Recommendation has been found to be **Moot**, based upon Plaintiff's filing the AMENDED Complaint.

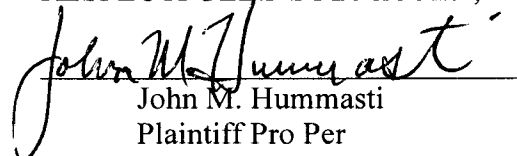
Accordingly, Defendants Motion to Dismiss should be Stricken from the Record as Untimely.

Additionally, Defendants' Affidavit attempts to shift or place the burden of **Service of the Complaint** onto the Plaintiff, when, as required by the Rules of the Court, only a disinterested non-party to the Suit may provide Service and Process of the Complaint and Summons. Fore the reasons stated above, Defendants Motion and Affidavit are Untimely and should be stricken; or alternatively, the Court should ORDER the Defendants to be served a copy of the Amended Complaint and Summons on file with the Clerk of the Court in the Instant Case.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully MOVE this Honorable Court for an ORDER for the US Marshals to Perfect Service and Process of the Amended Complaint and Summons on Defendants and for any other relief that this Court deems just and equitable.

Dated this 26th day of April 2006.

RESPECTFULLY SUBMITTED,



John M. Hummasti

Plaintiff Pro Per
527 SE Morrison St. #321
Portland, OR. 97214

Supporting Declaration of Grace Hummasti

I, Grace B. Hummasti, hereby affirm and declare the following:

- 1) I am the person making this Declaration.
- 2) The facts are as follows:
- 3) I have a limited knowledge of the written and spoken English Language.
- 4) My mother language is Arabic. My second language is Hebrew. My third language is English.
- 5) I was not informed in written Arabic, Hebrew or English by Dr. John Buckmaster, or any other medical personnel at OHSU or the Lovejoy SurgiCenter clinic at any time in 2004 that there were medical or psychological risks to having an abortion.
- 6) I was not informed in written Arabic, Hebrew or English by Dr. John Buckmaster, or any other medical personnel at OHSU or the Lovejoy SurgiCenter Clinic at any time in 2004 that either myself, my baby, or my husband, John Hummasti would be the subject or any genetic testing or research.
- 7) I was not informed in written Arabic, Hebrew or English at any time during any counseling sessions or medical procedures at OHSU or the Lovejoy SurgiCenter Clinic that I would be undergoing a dilation and extraction abortion.
- 8) I was not informed orally in Arabic, Hebrew or English by Dr. John Buckmaster, or any other medical personnel at OHSU or the Lovejoy SurgiCenter clinic at any time in 2004 that there were medical or psychological risks to having an abortion.
- 9) I was not informed orally in Arabic, Hebrew or English by Dr. John Buckmaster, or any other medical personnel at OHSU or the Lovejoy SurgiCenter Clinic at any time in 2004 that either myself, my baby, or my husband, John Hummasti would be the subject or any genetic testing or research.
- 10) I was not informed at any time during any counseling sessions or medical procedures at OHSU or the Lovejoy SurgiCenter Clinic that I would be undergoing a dilation and extraction abortion. I was told, or it was explained to me that the type of abortion I would be undergoing was a *suction* or *vacuuming* abortion. The only thing else that was explained to me was that the Doctor, John Buckmaster would insert some dried seaweed into me to dilate my cervix so that my baby would be suctioned (vacuumed) from my womb since they thought it would not live more than two weeks without extensive heart and brain surgery!
- 11) Had I been informed that I would have been undergoing a dilation and extraction abortion I would not have consented to that procedure as that is considered as if I would be consenting to *murder* under Jewish Law.
- 12) I did not want to abort my baby but I thought that that was the only option available to me at that time. I was not able to discuss this with anyone who speaks Arabic as I was alone in Portland, Oregon at that time. I did not have

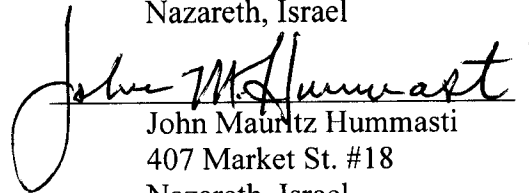
- 1) any family or close relatives near to me that I could discuss the abortion with and I felt isolated from the Arabic speaking community there in Portland because I am a Israeli-Arab Jewish convert and a former Israeli Christian Arab convert to Islam. I felt isolated from the Arabic speaking community there in Portland because my previous husband is a Palestinian and we are on a *Hamas/Islamic* terrorist "hit list" for having been involved in a targeted assassination of *The Engineer*, a *Hamas* terrorist killed by directions of the *Mossad* and the Israeli *Shabaq*.
- 2) I signed written consent forms but did not read them because I thought that those were documents that I needed to sign for consenting to treatment under my OHP medical insurance treatment plan. I thought that this was the only way that they provided treatment to patients in Oregon and I felt pressured to do so since I thought that that was simply a procedure I was required to go through for treatment.

I declare that the foregoing is true and correct to the best of my knowledge and that I have had this declaration read to me and that it has been fully explained to me by my husband, John Hummasti to my satisfaction prior to my signing it here in Jerusalem, Israel. I make this declaration under the penalty of perjury under the laws of the United States of America.

Dated this 26th day of December 2005.



Grace Bassem Hummasti
407 Market St. #18
Nazareth, Israel



John Mauritz Hummasti
407 Market St. #18
Nazareth, Israel

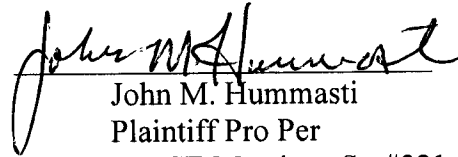
CERTIFICATE OF SERVICE

I, John Mauritz Hummasti, hereby declare that I have served by Regular US Mail, a true copy of the attached Plaintiff's Motion In Opposition on the Defendants by placing the Attached in an Addressed, Sealed Envelope with prepaid postage affixed thereon addressed to:

Kari A Furnanz -Attorney At Law
HOFFMAN, HART AND WAGNER
ATTORNEYS AT LAW
Twentieth Floor
1000 SW Broadway
Portland, OR. 97205

and depositing the same in a US Postal Collection Box on this date.

Dated this 26th day of April 2006



John M. Hummasti
Plaintiff Pro Per
527 SE Morrison St. #321
Portland, OR. 97214-2364