

1 Comes now defendants, Don and Barbara Barnett, through their
2 undersigned counsel, and submit the following brief in opposition
3 to plaintiffs motion to compel discovery and for a protective
4 order.

5 I. FACTS AND PROCEDURE

6 The above entitled action has been consolidated for
7 discovery purposes. It involves numerous suits brought against
8 the Community Chapel and Bible Training Center, its pastor,
9 Donald Lee Barnett, and other persons.

10 On May 31, 1988, a records depositions of the speaking agent
11 of the church was taken. Requests were made for the production
12 of various church documents including counseling records and
13 notes of a confession made by Don Barnett before church elders.

14 II. LAW AND ARGUMENT

15 Discovery may be made only of information which is not
16 privileged and which is likely to lead to relevant evidence. CR
17 26.

18 A. PRIVILEGE

19 Defendants assert that many of the materials sought by
20 plaintiff are privileged. Plaintiffs broad discovery requests
21 conceivably encompass confessions made by Don Barnett to church
22 elders and also counseling records. These materials include
23 confidential statements made by church members, many of whom are
24 not parties to this action or the underlying action.

25 1. Clergyman privilege

26 RCW 5.60.060 states:

27 A member of the clergy or a priest shall not,
28 without the consent of a person making the
29 confession, be examined as to any confession
30 made to him or her in his or her professional

31 BARNETTS' BRIEF IN OPPOSITION
32 TO MOTION TO COMPEL DISCOVERY,
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400 FIFTH AVENUE
SEATTLE, WASHINGTON 98101

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1 character, in the course of discipline
2 enjoined by the church to which he or she
3 belongs.

4 As the testimony of Don Barnett demonstrates, his confession
5 before church elders and confessions made by church members
6 through church counseling is a regular part of the religious
7 beliefs and discipline of the Community Chapel and Bible Training
8 Center. Such religious counseling are for the purpose of
9 spiritual development, and religious and doctrinal guidance is
10 given by church counselors based upon the religious teachings of
11 the Community Chapel.

12 There is no authority which interprets the Washington
13 statute. However, an almost identical statute was interpreted by
14 the Minnesota Supreme Court in In Re Swenson, 237 N.W. 589 (1931)
15 in which it was held that the privilege embraces all religions
16 and the particular form of confession practiced by each. The
17 privilege is not limited solely to confessions in the manner of
18 practice exercised by the Catholic church.

19 If we are to construe this statute as meaning
20 that the only "confession" that is privileged
21 is the compulsory one under the rules of the
22 particular church, it would be applicable
23 only, if our information is correct, to the
24 priest of the Roman Catholic Church.
25 Certainly the Legislature never intended the
26 absurdity of having the protection extend to
27 the clergy of but one church. Had the
28 Legislature intended to so limit the
29 privilege, the word "priest" would probably
30 been used instead of "clergyman."

31 Id. at 590. In Pardie v. Pardie, 158 N.W.2d 641, 645 (1968)
32 statements made for the purpose of receiving counsel upon family
33 problems were afforded protection. The term "confession" cannot
34 be limited in a technical sense. It is bound only by the

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SEATTLE, WASHINGTON 98104

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1 discipline of each particular church. As the court in Swenson,
2 further noted:

3 We are of the opinion that the "confession"
4 contemplated by the statute has reference to
5 a penitential acknowledgment to a clergyman
6 of actual or supposed wrongdoing while
7 seeking religious or spiritual advice, aid,
8 or comfort, and that it applies to a
9 voluntary "confession" as well as to one made
10 under a mandate of the church.

11 Id. at 590. The Community Chapel fosters the sincere belief that
12 the physical and spiritual man are interrelated requiring
13 counseling in all matters of its members lives to accomplish
14 spiritual development. This counseling is no less important to
15 the Community Chapel than the confessional is to the Catholic
16 church.

17 The privilege embraces confessions "in the course of the
18 discipline" to which the member of clergy belongs. RCW
19 6.60.060(3). The Supreme Court of Iowa interpreted a similar
20 statute in Reutkemeier v. Nolte, 161 N.W. 290 (1917) writing at
21 page 293:

22 This statute is based in part upon the idea
23 that the human being does sometimes have need
24 of a place of penitence and confession and
25 spiritual discipline. When any person enters
26 that secret chamber, this statute closes the
27 door upon him, and civil authority turns away
28 its ear. The privilege of the statute
29 purports to be applicable to every Christian
30 denomination of whatever polity.

31 The Community Chapel and Bible Training Center uses counseling as
32 its course of discipline for confession and spiritual guidance
upon the confidential problems of its members, and as head
pastor, Don Barnett depends upon confession before his elders for

BARNETTS' BRIEF IN OPPOSITION
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1 his spiritual guidance. Therefore each qualify under the
2 clergyman privilege.

3 The privilege cannot be limited on the basis that
4 confessions were made to church counselors who were not
5 necessarily the pastor within the church. The counselors within
6 the church play an important role within the church discipline in
7 conjunction with the church Pastor. As stated in In Re Verplank,
8 329 F.Supp. 433 (1971) at page 436: such a situation "... appears
9 to be closely akin to the relationships between a lawyer and the
10 nonprofessional representatives that he engages to assist him in
11 serving his clientele." In that case the court held that the
12 clergyman privilege applies to disclosures made to non-clergy
13 counselors who performing a clergy function in a general way.
14 See also, Eckman v. Board of Educ. of Hawthorne School Dist., 106
15 F.R.D. 70 (1985). Within the Community Chapel, the counselors
16 are responsible for giving spiritual advice based upon the
17 teachings of the pastor. The counselors play an intregal role to
18 the faith in helping each member of the church to receive the
19 individual attention necessary for the development of each.

20 It is irrelevant that the counseling serves a purpose which
21 may extend beyond its role in spiritual development. It is
22 impossible to distinguish between the disclosures made within
23 church counseling for the purpose of spiritual development and
24 disclosures made for other purposes. This issue was addressed in
25 Rivers v. Rivers, 292 S.C. 21, 354 S.E.2d 784 (S.C. Ct. App.,
26 1987). The Court in that case wrote at pages 787-788:

27 We realize that to some extent Dr. Carlson in
28 counseling Helen acted as a therapist and not
29 as a clergyman. Whether he acted to a
30 greater extent as a therapist or as a
31 clergyman would be difficult, if not

32 BARNETTS' BRIEF IN OPPOSITION
TO MOTION TO COMPEL DISCOVERY,
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1 impossible, for us to determine. We
2 therefore conclude that because of the
3 practical difficulty in distinguishing
4 between the counseling Helen received from
5 Dr. Carlson as a therapist and between the
6 counseling she received from him as a
7 clergyman, all her confidential
8 communications to Dr. Carlson are deemed to
9 have been made to him in his professional
10 capacity as a clergyman.

11 Defendants do not contest that the members of the Community
12 Chapel entrust their confidences to church counselors for a
13 variety of reasons. Included within these reasons is spiritual
14 development. Since it would be impossible to destroy other
15 confidentiality between the church members and church
16 counselors without also destroying spiritual confidentiality,
17 the disclosure of neither can be compelled.

18 2. Common Law Privilege

19 In Senear v. Daily Journal American, 97 Wn.2d 148, 641 P.2d
20 1180 (1982), the Washington Supreme Court held that common law
21 may supply a testimonial privilege although statute may not.

22 The Common law-judge-made law-insofar as
23 it is neither inconsistent with the
24 constitution and laws of the United States or
25 of the State of Washington, nor incompatible
26 with the institution and conditions of
27 society, is the law of this state.... Common
28 law is not static. It is consistent with
29 reason and common sense.... The common law
30 "owes its glory to its ability to cope with
31 new situations. Its principles are not mere
32 printed fiats, but are living tools to be
used in solving emergent problems....

Where a case is not governed by statute
law, as is the circumstance here, it is an
appropriate occasion for this court to apply
the common law to determine the outcome of
the case.... (citations omitted)

33 BARNETTS' BRIEF IN OPPOSITION
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1 Id at 152. In finding a common law testimonial privilege for
2 reporters, the court applied the following standard:

3 (1) The communication must originate in a
4 confidence that it will not be disclosed; (2)
5 the element of confidentiality must be
6 essential to the full and satisfactory
7 maintenance of the relation between the
8 parties; (3) the relation must be one which
9 in the opinion of the community ought to be
10 sedulously fostered; and (4) the injury that
would inure to the relation by the disclosure
of the communication must be greater than the
benefit thereby gained for the correct
disposal of litigation.

11 Id at 153. Under this standard, a privilege may exist in the
12 absence of one provided by statute.

13 In the present case, it is clear that the communications
14 made by Don Barnett to the elders and those made by church
15 members to the counselors were of a confidential nature. This
16 confidentiality allowed full disclosure to enable spiritual
17 advice upon a the personal development of church members.
18 Without this confidentiality, the counselors could not expect the
19 disclosure which is necessary to fully and adequately fulfil
20 their roles in rendering spiritual advice. Further, this
21 confidentiality is between a church and its members. Both
22 Article I, Section 11 and Amendment 34 of the Washington
23 Constitution, and the First Amendment to the United States
24 Constitution through the Fifteenth Amendment to the United States
25 Constitution demonstrate the importance placed upon this
26 relationship by society. Finally, disclosure in this instance,
27 especially of information regarding sexual relationships, would
28 be devastating to the individuals who have depended upon the
29 confidentiality in disclosing intimate details of their private

30 BARNETTS' BRIEF IN OPPOSITION
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1 lives. This surely outweighs the importance of an insurance
2 coverage question. In short, the counseling records of the
3 Community Chapel and Bible Training Center meet all of the
4 requisites of a common law testimonial privilege.

5 3. Counselor Privilege

6 RCW 5.60.060 provides:

7 An attorney or counselor shall not, without
8 the consent of his or her client, be examined
9 as to any communication made by the client to
10 him or her, in his or her advice given
thereon in the course of professional
employment. (emphasis added)

11 No authority can be found in Washington which limits this
12 privilege to counselors at law. Further, no legislative history
13 can be found upon the language in question. In the absence of
14 such guidance, the general rules of statutory construction apply.

15 RCW 5.60.060 does not define the term counselor. Therefore,
16 the term must be given its ordinary meaning which may be found by
17 resort to extrinsic aids, such as a dictionary. Garrison v.
18 State Nursing Bd., 87 Wn.2d 195, 196, 550 P.2d 7 (1976).
19 Webster's New World Dictionary (1970) defines a counselor as:

- 20 1. a person who counsels; adviser 2. a
21 legal adviser, as of an embassy or legation
22 3. a lawyer, esp. one who conducts cases in
23 court: in full, counselor-at-law 4. a
person in charge of a group of children at a
camp

24 The definition of counselor includes lawyers, however, the
25 definition is not exclusive of other meanings. A counselor is "a
26 person who counsels," an "adviser." The present statute does not
27 include words of limitation. It generally provides protection
28 for statements made to counselors as well as attorneys.

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30 BARNETTS' BRIEF IN OPPOSITION
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1 Attorney and counselor are stated in RCW 5.60.060 in the
2 disjunctive. It has long been the rule in Washington provisions
3 within a statute which are stated in the disjunctive must be
4 given effect independently. State v. Tiffany, 44 Wash 602, 87
5 Pac. 932 (1906). Effect cannot be given to both terms in RCW
6 5.60.060 if both are given the same definition. The term
7 "counselor" would be rendered meaningless if it were defined to
8 mean only attorneys. In that case the statute would read "An
9 attorney or attorney shall not, . . . , be examined" Therefore,
10 the privilege afforded by RCW 5.60.060 extends to both attorneys
11 and counselors.

12 **B. CONSTITUTIONAL LIMITATIONS**

13 Plaintiffs have invoked the subpoena power of this court to
14 force this church to turn over its records and files. This
15 constitutes state action. "The test is not the form in which
16 state power has been applied but, whatever the form, whether such
17 power has in fact been exercised." New York Times Company v.
18 Sullivan, 376 U.S. 254, 265, 84 S.Ct. 710, 718, 11 L.Ed.2d 686
19 (1964).

20 Both Article I, Section 11 and Amendment 34 of the
21 Washington Constitution, and the First Amendment to the United
22 States Constitution through the Fifteenth Amendment to the United
23 States Constitution protect the free exercise of religion against
24 state interference. The implication of these interests requires
25 this court to balance the competing interests. Sherbert v.
26 Verner, 374 U.S. 398, 83 S.Ct. 1790, 10 L.Ed.2d 965 (1963).

27 The testimony of Don Barnett demonstrates that counseling is
28 an integral part of the faith of the Community Chapel as is the
29 confidentiality which is attendant to it. The forced disclosure
30 of church records would directly affect the Community Chapel and

31 **BARNETTS' BRIEF IN OPPOSITION**
32 **TO MOTION TO COMPEL DISCOVERY,**
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1 it would have a chilling effect upon future church counseling.
2 It is highly unlikely that church members would continue to make
3 confidential disclosures in counseling once it becomes apparent
4 that counseling records are available to anyone that brings a
5 lawsuit.

6 **C. ADDITIONAL PROTECTIVE ORDER**

7 In the event that this court compels disclosure of these
8 records, defendants alternatively have asked this court for a
9 protective order prohibiting disclosure of these materials. In
10 Seattle Times Co. v. Rhinehart, 467 U.S. 20, 104 S.Ct. 2199, 81
11 L.Ed.2d 17 (1984), the U.S. Supreme Court held that such an order
12 may be granted upon a showing of good cause. See also, Rhinehart
13 v. Seattle Times, 98 Wn.2d 226, 654 P.2d 673 (1982).

14 As the testimony of Don Barnett demonstrates, he and the
15 members of the Community Chapel relied upon their beliefs and an
16 expectation of privacy in making confidential disclosures. For
17 this reason, it is clear that such materials should be subject to
18 discovery only under a protective order.

19 **III. CONCLUSION**

20 Plaintiffs seek materials from a church which relate
21 directly to the essential beliefs of the faith. These materials
22 are protected by Constitutional limitations and testimonial
23 privileges.

24 In the alternative, a protective order is necessary and
25 proper in the event that this court determines that the materials
26 are subject to discovery.

27 Defendants request that this court quash attempts to compel
28 disclosure of the records. Alternatively, defendants ask for a
29 protective order prohibiting disclosure of the materials subject
30 to discovery.

31 **BARNETTS' BRIEF IN OPPOSITION**
32 **TO MOTION TO COMPEL DISCOVERY,**
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Dated May 31, 1988.

EVANS CRAVEN & LACKIE, P.S.

By Rodney D. Hollenbeck
RODNEY D. HOLLENBECK
Attorneys for Defendants Barnett

BARNETTS' BRIEF IN OPPOSITION
TO MOTION TO COMPEL DISCOVERY,
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CERTIFICATE

On this day I delivered a true and accurate copy of the document to which this certificate is affixed to LEGAL MESSENGERS, INC. for delivery to the attorneys of record of plaintiff/defendant.

CIVIL TRACK 1

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.
DATED this 1st day of June, 1988 at Tacoma, Washington.

Honorable Gary Little
Civil Track I

Mary Ann Torrow

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER, et vir., et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 DONALD LEE BARNETT, et ux., et al.,)
)
 Defendants.)

NO. 86-2-18176-8

DEFENDANTS ALSKOG'S MOTION FOR ORDER REQUIRING IDENTIFICATION OF WITNESSES BY SPECIFIC CASE NAME

SANDY EHRLICH, et vir., et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 RALPH ALSKOG, et ux., et al.,)
)
 Defendants.)

I. RELIEF SOUGHT

Defendants, RALPH ALSKOG and ROSEMARY ALSKOG, move the Court for an Order requiring all parties to identify lay and expert witnesses by specific case name.

II. GROUNDS

There are over 10 Plaintiffs in the above-referenced consolidated cases, and four separate Defendants. Not all Plaintiffs

Defendants Alskog's Motion for Order Requiring Identification of Witnesses by Specific Case

-1-

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1 are suing all Defendants. For example, only Plaintiffs, SANDY and
2 MICHAEL EHRLICH, have filed an action against Defendants, ALSKOG,
3 in this multiple claim lawsuit.

4 Recently, the parties disclosed over 200 lay witnesses.
5 With one exception, the attorneys have lumped all witnesses in all
6 the cases together, rather than identifying the witnesses pursuant
7 to the specific case in which each witness has factual knowledge
8 and will testify.

9 It would greatly simplify discovery and the coordination
10 of depositions, and save enormous costs of litigation if the
11 lay witnesses and expert witnesses were listed by the specific
12 case(s) in which they have factual knowledge so that attorneys only
13 need to attend depositions of witnesses pertaining to the par-
14 ticular case in which their client is a party.

15 III. BASIS

16 This Motion is based on the records and files herein and
17 upon the Affidavit filed herewith.

18 DATED this 27th day of May, 1988.

19 ROSENOW, HALE & JOHNSON

20
21 By: 

JACK G. ROSENOW

22 Of Attorneys for Defendants, ALSKOG

23
24 Defendants Alskog's Motion
25 for Order Requiring Identifi-
26 cation of Witnesses by
Specific Case -2-

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CIVIL TRACK 1

FILED
JUN 7 1988
SUPERIOR COURT

FILED
JUN 9 1988
SUPERIOR COURT

CIVIL TRACK 1
JUDGE GARY LITTLE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER et vir.,
et al.,

Plaintiffs,

vs.

DONALD LEE BARNETT et ux,
et al.,

Defendants.

NO. 86-2-18176-8

SUBPOENA DUCES TECUM
TO DEPOSITION

SANDY EHRLICH and MICHAEL
EHRLICH, wife and husband,
et al.,

Plaintiffs,

vs.

RALPH ALSKOG and ROSEMARY
ALSKOG, husband and wife,
et al.,

Defendants.

THE STATE OF WASHINGTON, to KATHERINE FLACK, Attorney at Law,
Prosecuting Attorney's Office, W554, King County Courthouse,
Seattle, Washington 98104, GREETINGS:

SUBPOENA DUCES TECUM
TO DEPOSITION
(ccbtc:ccbtcl/jao)

COPY

LAW OFFICES OF
ADLER, GIERSCH AND READ, P.S.
1621 SMITH TOWER
SEATTLE, WA 98104
(206) 682-4267

79.74

1 YOU ARE HEREBY COMMANDED to be and appear at the
2 Prosecuting Attorney's Office, W554, King County Courthouse,
3 Seattle, Washington, Wednesday, the 27th day of June, 1988, at
4 the hour of 9:30 a.m. of said day, then and there to testify at
5 the request of plaintiffs in a certain cause now pending in the
6 Superior Court of the State of Washington, for King County, and
7 to remain in attendance upon the undersigned until discharged;
8 and to bring with you the following papers and documents now in
9 your possession or under your control, viz:

- 10 1. A complete and true copy of Robert Howerton's file.
- 11 2. A complete and true copy of Ralph Alskog's file.
- 12 3. A complete and true copy of Donald Lee Barnett's file.
- 13 4. A complete and true copy of Barbara Barnett's file.
- 14 5. A complete and true copy of Community Chapel and
15 Bible Training Center's file.

16 HEREIN FAIL NOT AT YOUR PERIL.

17 DATED this 7th day of June, 1988.

18 ADLER, GIERSCH AND READ, P.S.

19
20 By 
21 RICHARD H. ADLER
22 Attorneys for Plaintiffs Ehrlich
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28 SUBPOENA DUCES TECUM
TO DEPOSITION
(ccbtc:ccbtcl/jao)

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FILED
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CIVIL TRACK 1
JUDGE GARY LITTLE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER et vir.,
et al.,

Plaintiffs,

vs.

DONALD LEE BARNETT et ux,
et al.,

Defendants.

NO. 86-2-18176-8

NOTICE OF ORAL EXAMINATION
OF KATHERINE FLACK

SANDY EHRLICH and MICHAEL
EHRLICH, wife and husband,
et al.,

Plaintiffs,

vs.

RALPH ALSKOG and ROSEMARY
ALSKOG, husband and wife,
et al.,

Defendants.

TO: Defendants Above Named and Their Attorneys of Record.

NOTICE OF ORAL EXAMINATION -1-
(ccbtc:ccbtck/jao)


CCF 1

79.8
LAW OFFICES OF
ADLER, GIERSCH AND READ, P.S.
1621 SMITH TOWER
SEATTLE, WA 98104
(206) 682-4267

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YOU AND EACH OF YOU are hereby notified that pursuant to the Civil Rules for Superior Court, testimony by oral examination of KATHERINE FLACK will be taken on behalf of plaintiffs before a notary public, at King County Prosecuting Attorney's Office, W554, King County Courthouse, Seattle, WA, on June 27, 1988, commencing at 9:30 a.m.; the said oral examination at said time and place to be subject to continuance or adjournment from time to time or place to place until completed; the said oral examination to be taken pursuant to the Civil Rules of the Superior Court of the State of Washington.

DATED this 7th of June, 1988.

ADLER, GIERSCH AND READ, P.S.
By 
RICHARD H. ADLER
Attorneys for Plaintiffs Ehrlich

1988 JUN -8 PM 2:32



**SUPERIOR COURT OF WASHINGTON
COUNTY OF KING**

KATHY LEE BUTLER, et vir., et al.,
Plaintiffs,
v.
DONALD LEE BARNETT, et ux., et al.,
Defendants.

NO. 86-2-18176-8
(Consolidated)

NOTE FOR MOTION CALENDAR
(Clerk's Action Required)

TO: THE CLERK OF THE COURT; and to all other parties per list on reverse side:

PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the appropriate calendar.

Calendar Date: June 16, 1988 Day of Week Thursday
Nature of Motion: Motion for Default

DESIGNATED CALENDAR

- | | |
|---|--|
| <input checked="" type="checkbox"/> Civil Motion (LR 0.7) (9:30) | <u>FAMILY LAW MOTION [LR 0.5(b) LR 94.04]</u>
(W291) |
| <input type="checkbox"/> Summary Judgment (LR 56) (9:30) | |
| <input type="checkbox"/> Supplemental Proceeding (LR 69) (1:30) | |
| <input type="checkbox"/> Presiding Judge (Trial Date Motions Only)
(11:15 or 1:30 Daily)
Time of Hearing: _____ | <input type="checkbox"/> Domestic Motion (9:30) |
| | <input type="checkbox"/> Sealed File Motion (1:30) |
| | <input type="checkbox"/> Support Motion (1:30) |
| | <input type="checkbox"/> Modification (1:30) |

EX PARTE MOTION [LR 0.9(b)] (W623)
The following motions are heard 9:00-12:00 and 1:30-4:15:

- | | | |
|--|------------------------|--|
| <input type="checkbox"/> Adoption | Time of Hearing: _____ | <input type="checkbox"/> Receivership (LR 66) (2:00) |
| <input type="checkbox"/> Dissolution | Time of Hearing: _____ | <input type="checkbox"/> Sealed File Motion (9:30) |
| <input type="checkbox"/> Ex Parte Motion | Time of Hearing: _____ | |
| <input type="checkbox"/> Probate | Time of Hearing: _____ | |

DEPARTMENTAL HEARINGS [LR 40(b)]

Special Setting Before Judge/Commissioner:
Time of Hearing: _____ Room _____

Typed Name: Margaret L. Ennis
OF: ADLER, GIERSCHE AND READ, P.S.
Attorney for: Sybil N. Lemke
Telephone: 682-4267

DATED: June 8, 1988

LIST NAMES, ADDRESSES AND TELEPHONE NUMBERS OF ALL PARTIES REQUIRING NOTICE ON REVERSE SIDE.

NOTE FOR MOTION CALENDAR (NTMTDK)
SC Form JO-138 5/87

LAW OFFICES OF
ADLER, GIERSCHE AND READ, P.S.
1621 SMITH TOWER
SEATTLE, WA 98104
(206) 682-4267

AEES
5/87

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**List of Names, Addresses And Telephone Numbers
Of All Parties Requiring Notice:**

NAME: Michael Bond
Address: Lee, Smart, Cook, Martin & Patterson
800 Washington Building
1325 Fourth Avenue
Seattle, Washington 98101
Telephone: 624-7990
Attorney For: Defendant (Comm. Chapel & Bible Training Cntr.)

NAME: Rod Hollenbeck
Address: Evans, Craven & Lackie, P.S.
3400 Columbia Seafirst Center
701 Fifth Avenue
Seattle, Washington 98104
Telephone: 386-5555
Attorney For: Defendant (Barnetts)

NAME: John Graffe
Address: 1717 First Interstate Center
Seattle, Washington 98104
Telephone: 223-4770
Attorney For:

NAME: Jeff Campiche
Address: Kargianis, Austin & Erickson
4700 Columbia Seafirst Center
Seattle, Washington 98104
Telephone: 624-5370
Attorney For: Kathy Lee Butler, et ux., et al.

NAME: John Messina
Address: Messina Duffy
4002 Tacoma Mall Blvd., Suite 200
Tacoma, Washington 98409
Telephone:
Attorney For: Ehrlich, Chabot, Lemke, Kitchell

**List of Names, Addresses And Telephone Numbers
Of All Parties Requiring Notice:**

NAME: Michael Bond
Lee, Smart, Cook, Martin & Patterson
Address: 800 Washington Building
1325 Fourth Avenue
Seattle, Washington 98101
Telephone: 624-7990
Attorney For: Defendant (Comm. Chapel & Bible Training Cntr.)

NAME: Rod Hollenbeck
Evans, Craven & Lackie, P.S.
Address: 3400 Columbia Seafirst Center
701 Fifth Avenue
Seattle, Washington 98104

Telephone: 386-5555
Attorney For: Defendant (Barnetts)

NAME: John Graffe
Address: 1717 First Interstate Center
Seattle, Washington 98104

Telephone: 223-4770

Attorney For:

NAME: Jeff Campiche
Kargianis, Austin & Erickson
Address: 4700 Columbia Seafirst Center
Seattle, Washington 98104

Telephone: 624-5370

Attorney For: Kathy Lee Butler, et ux., et al.

NAME: John Messina
Messina Duffy
Address: 4002 Tacoma Mall Blvd., Suite 200
Tacoma, Washington 98409

Telephone:

Attorney For: Ehrlich, Chabot, Lemke, Kitchell

**List of Names, Addresses And Telephone Numbers
Of All Parties Requiring Notice:**

NAME: Susan Delanty Jones
Preston, Thorgrimson, Ellis, and Holman
ADDRESS: 5400 Columbia Seafirst Center
701 Fifth Avenue
Seattle, Washington 98104-7011
Telephone: 623-7580
Attorney For: Maureen P. Jorgenson

NAME: Robert Howerton
Address: 3507 S. 40th
Tacoma, Washington

Telephone:
Attorney For:

NAME: Brian Miekell
(Courtesy copy)
Address: 949 Market Street, Suite 560
Tacoma, Washington 98402

Telephone:
Attorney For:

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1988 JUN -8 PM 2:32

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER, et vir.,)
et al.,)

Plaintiffs,)

v.)

DONALD LEE BARNETT, et ux.,)
et al.,)

Defendants.)

NO. 86-2-18176-8
(Consolidated)

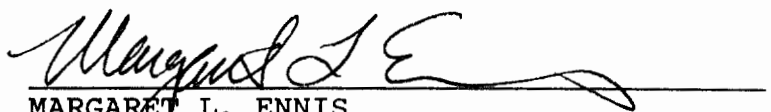
MOTION AND DECLARATION
FOR DEFAULT

COME NOW the Plaintiff in the above-entitled case and
moves the Court for an Order of Default in this action.

THIS MOTION is based upon the files and records herein,
and the attached declaration of Margaret L. Ennis, attorney for
the Plaintiffs.

DATED this 8 day of June, 1988.

ADLER, GIERSCH AND READ, P.S.


MARGARET L. ENNIS
Attorney for Plaintiffs

MOTION AND DECLARATION
FOR DEFAULT
(ccbtc:ccbtco/jao)

LAW OFFICES OF
ADLER, GIERSCH AND READ, P.S.
1621 SMITH TOWER
SEATTLE, WA 98104
(206) 682-4267

87

In the SUPERIOR Court, for KING County, State of Wash. No. 86 2 18429 5

AFFIDAVIT OF SERVICE OF

**SANDY EHRLICH, et vir.,
et al.,**

vs.

Plaintiff

**RALPH ALSKOG, et ux.,
et al.,**

Defendant

Garnishee Defendant

**SUMMONS FOR COMPLAINT FOR
PERSONAL INJURIES AND DAMAGES
COMPLAINT FOR PERSONAL INJURIES
AND DAMAGES**

State of Washington

County of King

ss.

The writ served was accompanied by four answer forms and three postage prepaid envelopes which were pre-addressed to the Clerk of the Court, to the Plaintiff or his attorney, and to the Defendant, and cash or check payable to the garnishee, to the amount of Ten Dollars

A copy of the summons served is attached hereto

The undersigned, being first duly sworn, on oath deposes and says: That he is now and at all times herein mentioned was a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness therein.

That on 11/20/87 at 8:30 a M., at 3507 S. 40th, Tacoma, Pierce

~~King~~ County, Washington, affiant duly served the above-described documents in the above-entitled matter upon

by then and there personally delivering a true and correct copy thereof to and leaving same with _____

That at the time and place set forth above affiant duly served the above described documents in the above-entitled matter upon Robert Howerton

by then and there, at the residence and usual place of abode of said person(s), personally delivering a true and correct copy(ies) thereof to and leaving the same with Patricia Howerton, resident

being a person of suitable age and discretion then resident therein.

Affiant further states that he is informed and believes, and therefore alleges, that neither of said defendants is in the military service of the United States.

RESIDENCE SERVICE

_____ TRIPS _____ MILES
Subscribed and Sworn to before _____ 11/23/87

B. Doniego sj

SERVICE ATTESTED AT: NOV 23 1987

Edna S. Calderin
NOTARY PUBLIC in and for the State of Washington, residing at Tacoma

**ORIGINAL SENT
FOR FILING**

Service Fees 6.00 Travel 13.00 Return Fee 5.00 Cert. Mail _____ Total \$ 24.00

RECEIVED
JUL 19 1986 PM 3:12
SUPERIOR COURT CIVIL TRACK 1

CIVIL TRACK ONE
THE HONORABLE GARY LITTLE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, et. ux.,
et. al.,

Plaintiffs,

v.

DONALD LEE BARNETT, et. ux.,
et. al.,

Defendants,
Third Party Plaintiffs,

v.

GARY LIEN,

Third Party Defendant.

CONSOLIDATED/TRACK ONE
NO. 86-2-18176-8

NOTICE OF MEDICAL RECORDS
DEPOSITION OF RAYMOND VATH,
M.D.

SANDY EHRLICH, et. ux., et. al.,

Plaintiffs,

v.

RALPH ALSKOG, et. ux., et. al.,

Defendants.

MAUREEN P. JORGENSEN,

Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE
TRAINING CENTER, et. al.,

Defendants.

NOTICE MED REC DEP : 1
15004789.NOD

82

Evans, Craven & Luckie
LAW FIRM
440 FLORENCE COLUMBIA CENTER 301 4TH AVENUE
SEATTLE WASHINGTON 98104
(206) 386-5555

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1 TO: Plaintiffs and all counsel involved:

2 YOU ARE HEREBY NOTIFIED that the testimony of the medical
3 records custodian of Raymond Vath, M.D., will be taken at the
4 instance and request of defendants Barnett in the above action,
5 subject to continuance or adjournment from time to time or place
6 to place until completed and to be taken on the ground and for
7 the reason that said witness will give evidence material to the
8 establishment of the parties' case; said deposition to be held:

9 DATE: Wednesday, June 15, 1988
10 TIME: 10:15 A.M.
11 PLACE: #3100, 701 Fifth Ave.,
Seattle, WA 98104

12 DATED June 3, 1988.

13 EVANS CRAVEN & LACKIE, P.S.

14
15 By Rodney D. Hollenbeck
16 RODNEY D. HOLLENBECK
17 Attorneys for Defendants Barnett
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NOTICE MED REC DEP : 2
15004789.NOD

Evans, Craven & Lackie, P.S.
LAWYERS

MID FLOOR COLUMBIA CENTER 701 5th AVENUE
SEATTLE WASHINGTON 98104

(206) 386 5555

RECEIVED
JULY 10 1986
COURT CLERK COURT

CIVIL TRACK 1

CIVIL TRACK ONE
THE HONORABLE GARY LITTLE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, et. ux.,
et. al.,)

Plaintiffs,)

v.)

DONALD LEE BARNETT, et. ux.,
et. al.,)

Defendants,)

Third Party Plaintiffs,)

v.)

GARY LIEN,)

Third Party Defendant.)

SANDY EHRLICH, et. ux., et. al.,)

Plaintiffs,)

v.)

RALPH ALSKOG, et. ux., et. al.,)

Defendants.)

MAUREEN P. JORGENSEN,)

Plaintiff,)

v.)

COMMUNITY CHAPEL AND BIBLE
TRAINING CENTER, et. al.,)

Defendants.)

NOTICE OF REC DEP : 1
15004789.NOD

CONSOLIDATED TRACK ONE
NO. 86-2-18176-8

NOTICE OF RECORDS DEPOSITION
OF MARC UNGAR, KING COUNTY
FAMILY LAS CASA PROGRAM

Evans, Craven & Luckie, P.S.
LAWYERS

4TH FLOOR COLUMBIA CENTER, 701 5TH AVENUE
SEATTLE WASHINGTON 98104

(206) 386-5555

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1 TO: Plaintiffs and all counsel involved:

2 YOU ARE HEREBY NOTIFIED that the testimony of the records
3 librarian of Marc Ungar, King County Family Las Casa Program will
4 be taken at the instance and request of defendants Barnett in the
5 above action, subject to continuance or adjournment from time to
6 time or place to place until completed and to be taken on the
7 ground and for the reason that said witness will give evidence
8 material to the establishment of the parties' case; said
9 deposition to be held:

10 DATE: Wednesday, June 15, 1988
11 TIME: 10:30 A.M.
12 PLACE: #3410, 701 Fifth Ave.,
Seattle, WA 98104

13 DATED June 6, 1988.

14 EVANS CRAVEN & LACKIE, P.S.

15
16 By Rodney D. Hollenbeck
17 RODNEY D. HOLLENBECK
18 Attorneys for Defendants Barnett
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NOTICE OF REC DEP : 2
15004789.NOD

Evans, Craven & Lackie, P.S.
LAWYERS

14th FLOOR COLUMBIA CENTER 701 5th AVENUE
SEATTLE WASHINGTON 98104

(206) 386-5555

RECEIVED
JUL 1 1988
3:12 PM
SUPERIOR COURT

CIVIL TRACK 1

CIVIL TRACK ONE
THE HONORABLE GARY LITTLE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

1
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3
4 KATHY LEE BUTLER, et. ux.,)
5 et. al.,)
6 Plaintiffs,)
7 v.)
8 DONALD LEE BARNETT, et. ux.,)
9 et. al.,)
10 Defendants,)
11 Third Party Plaintiffs,)
12 GARY LIEN,)
13 Third Party Defendant.)

CONSOLIDATED/TRACK ONE
NO. 86-2-18176-8

NOTICE OF RECORDS
CUSTODIAN DEPOSITON OF
MOUNT RAINIER HIGH SCHOOL

14
15 SANDY EHRLICH, et. ux., et. al.,)
16 Plaintiffs,)
17 v.)
18 RALPH ALSKOG, et. ux., et. al.,)
19 Defendants.)

20
21
22 MAUREEN P. JORGENSEN,)
23 Plaintiff,)
24 v.)
25 COMMUNITY CHAPEL AND BIBLE)
26 TRAINING CENTER, et. al.,)
27 Defendants.)

28 TO: Plaintiffs and all counsel involved:

29
30 NOTICE MED REC DEP : 1
31 15004789.NOD
32

Evans, Craven & Luckie, P.S.
LAWYERS

1401 FLOOR COLUMBIA CENTER, 701 5th AVENUE
SEATTLE, WASHINGTON 98104

(206) 386 5555

1 YOU ARE HEREBY NOTIFIED that the testimony of the school
2 records custodian of Seattle Christian School will be taken at
3 the instance and request of defendants Barnett in the above
4 action, with regard to records on file relating to Tara Brown,
5 subject to continuance or adjournment from time to time or place
6 to place until completed and to be taken on the ground and for
7 the reason that said witness will give evidence material to the
8 establishment of the parties' case; said deposition to be held:

9 DATE: Wednesday, June 15, 1988
10 TIME: 10:45 A.M.
11 PLACE: #3100, 701 Fifth Ave.,
12 Seattle, WA 98104

13 DATED June 3, 1988.

14 EVANS CRAVEN & LACKIE, P.S.

15 By Rodney D. Hollenbeck
16 RODNEY D. HOLLENBECK
17 Attorneys for Defendants Barnett
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31 NOTICE MED REC DEP : 2
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Evans, Craven & Lackie, P.S.
LAWYERS

415 FLOOR COLUMBIA CENTER, 701 5TH AVENUE
SEATTLE, WASHINGTON 98104

(206) 386-5555

CIVIL TRACK 1

CIVIL TRACK ONE
THE HONORABLE GARY LITTLE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

FILED
KING COUNTY, WASHINGTON
JUN 09 1988
CLERK OF SUPERIOR COURT

KATHY LEE BUTLER, et. ux.,
et. al.,)

Plaintiffs,)

v.)

DONALD LEE BARNETT, et. ux.,
et. al.,)

Defendants,
Third Party Plaintiffs,)

GARY LIEN,)

Third Party Defendant.)

SANDY EHRLICH, et. ux., et. al.,)

Plaintiffs,)

v.)

RALPH ALSKOG, et. ux., et. al.,)

Defendants.)

MAUREEN P. JORGENSEN,)

Plaintiff,)

v.)

COMMUNITY CHAPEL AND BIBLE
TRAINING CENTER, et. al.,)

Defendants.)

TO: Plaintiffs and all counsel involved:

NOTICE MED REC DEP : 1
15004789.NOD

Evans, Craven & Luckie, P.S.
LAWYERS

400 FLOOR COLUMBIA CENTER 701 5TH AVENUE
SEATTLE WASHINGTON 98104

(206) 386 5555

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1 YOU ARE HEREBY NOTIFIED that the testimony of the school
2 records custodian of Seattle Christian School will be taken at
3 the instance and request of defendants Barnett in the above
4 action, with regard to records on file relating to Tara and Troy
5 Brown, subject to continuance or adjournment from time to time or
6 place to place until completed and to be taken on the ground and
7 for the reason that said witness will give evidence material to
8 the establishment of the parties' case; said deposition to be
9 held:

10 DATE: Wednesday, June 15, 1988
11 TIME: 11:00 A.M.
12 PLACE: #3100, 701 Fifth Ave.,
Seattle, WA 98104

13 DATED June 3, 1988.

14 EVANS CRAVEN & LACKIE, P.S.

15
16 By Rodney D. Hollenbeck
17 RODNEY D. HOLLENBECK
18 Attorneys for Defendants Barnett
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30 NOTICE MED REC DEP : 2
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Evans, Craven & Lackie, P.S.
LAWYERS

400 COLUMBIA CENTER, 701 5th AVENUE
SEATTLE, WASHINGTON 98104

(206) 386-5555

RECEIVED
JULY 22 1986
32 JUL-22 PM 3:11
KING COUNTY
SUPERIOR COURT

CIVIL TRACK 1

CIVIL TRACK ONE
THE HONORABLE GARY LITTLE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, et. ux.,
et. al.,)

Plaintiffs,)

v.)

DONALD LEE BARNETT, et. ux.,
et. al.,)

Defendants,
Third Party Plaintiffs,)

v.)

GARY LIEN,
Third Party Defendant.)

SANDY EHRLICH, et. ux., et. al.,)

Plaintiffs,)

v.)

RALPH ALSKOG, et. ux., et. al.,)
Defendants.)

MAUREEN P. JORGENSEN,)

Plaintiff,)

v.)

COMMUNITY CHAPEL AND BIBLE
TRAINING CENTER, et. al.,)

Defendants.)

NOTICE MED REC DEP : 1
15004789.NOD

CONSOLIDATED/TRACK ONE
NO. 86-2-18176-8

NOTICE OF MEDICAL RECORDS
DEPOSITION OF JERRY YATES,
M.D.

Evans, Craven & Luckie, P.S.

LAWYERS

1001 COLUMBIA CENTER, 201 5th AVENUE
SEATTLE, WASHINGTON 98104

(206) 386-5555

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1 TO: Plaintiffs and all counsel involved:

2 YOU ARE HEREBY NOTIFIED that the testimony of the medical
3 records custodian of Jerry Yates, M.D., will be taken at the
4 instance and request of defendants Barnett in the above action,
5 subject to continuance or adjournment from time to time or place
6 to place until completed and to be taken on the ground and for
7 the reason that said witness will give evidence material to the
8 establishment of the parties' case; said deposition to be held:

9 DATE: Wednesday, June 15, 1988
10 TIME: 9:00 A.M.
11 PLACE: #3100, 701 Fifth Avenue
Seattle, WA 98104

12 DATED June 3, 1988.

13
14 EVANS CRAVEN & LACKIE, P.S.

15 By Rodney D. Hollenbeck
16 RODNEY D. HOLLENBECK
17 Attorneys for Defendants Barnett
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30 NOTICE MED REC DEP : 2
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Evans, Craven & Lackie, P.S.
LAWYERS

400 FLORENCE COLUMBIA CENTER, 701 5TH AVENUE
SEATTLE, WASHINGTON 98104

(206) 386-5555

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KING COUNTY CIVIL TRACK 1

CIVIL TRACK ONE
THE HONORABLE GARY LITTLE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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4 KATHY LEE BUTLER, et. ux.,)
5 et. al.,)

6 Plaintiffs,)

7 v.)

8 DONALD LEE BARNETT, et. ux.,)
9 et. al.,)

10 Defendants,)

11 Third Party Plaintiffs,)

12 v.)

13 GARY LIEN,)

14 Third Party Defendant.)

15 _____)
16 SANDY EHRLICH, et. ux., et. al.,)

17 Plaintiffs,)

18 v.)

19 RALPH ALSKOG, et. ux., et. al.,)

20 Defendants.)

21 _____)
22 MAUREEN P. JORGENSEN,)

23 Plaintiff,)

24 v.)

25 COMMUNITY CHAPEL AND BIBLE)
26 TRAINING CENTER, et. al.,)

27 Defendants.)

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30 NOTICE MED REC DEP : 1
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CONSOLIDATED/TRACK ONE
NO. 86-2-18176-8

NOTICE OF MEDICAL RECORDS
DEPOSITION OF REED DAVID
Ph.D., and DAVID PENNER,
Ph.D.

Evans, Craven & Luckie, P.S.

LAWYERS

400 FLEX OFFICE COLUMBIA CENTER, 701 5TH AVENUE
SEATTLE, WASHINGTON 98104

(206) 386 5555

1 TO: Plaintiffs and all counsel involved:

2 YOU ARE HEREBY NOTIFIED that the testimony of the medical
3 records custodian of Reed David and David Penner will be taken at
4 the instance and request of defendants Barnett in the above
5 action, subject to continuance or adjournment from time to time
6 or place to place until completed and to be taken on the ground
7 and for the reason that said witness will give evidence material
8 to the establishment of the parties' case; said deposition to be
9 held:

10 DATE: Wednesday, June 15, 1988
11 TIME: 9:15 A.M.
12 PLACE: #3100, 701 Fifth Avenue
Seattle, WA 98104

13 DATED June 3, 1988.

14 EVANS CRAVEN & LACKIE, P.S.

15
16 By Rodney D. Hollenbeck
17 RODNEY D. HOLLENBECK
18 Attorneys for Defendants Barnett
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31 NOTICE MED REC DEP : 2
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Evans, Craven & Lackie, P.S.
LAWYERS

400 FLOOR COLUMBIA CENTER 701 5TH AVENUE
SEATTLE WASHINGTON 98104

(206) 386-5555

RECEIVED
JUL 11 1986
COMMUNITY
COURT

CIVIL TRACK 1

CIVIL TRACK ONE
THE HONORABLE GARY LITTLE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, et. ux.,
et. al.,)

Plaintiffs,)

v.)

DONALD LEE BARNETT, et. ux.,
et. al.,)

Defendants,
Third Party Plaintiffs,)

v.)

GARY LIEN,)

Third Party Defendant.)

SANDY EHRLICH, et. ux., et. al.,)

Plaintiffs,)

v.)

RALPH ALSKOG, et. ux., et. al.,)

Defendants.)

MAUREEN P. JORGENSEN,)

Plaintiff,)

v.)

COMMUNITY CHAPEL AND BIBLE
TRAINING CENTER, et. al.,)

Defendants.)

NOTICE MED REC DEP : 1
15004789.NOD

CONSOLIDATED/TRACK ONE
NO. 86-2-18176-8

NOTICE OF MEDICAL RECORDS
DEPOSITION OF GLENN RICE
M.D.

Evans, Craven & Luckie, P.S.
LAWYERS

400 COLUMBIA CENTER, 701 5th AVENUE
SEATTLE, WASHINGTON 98104
(206) 386 5555

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1 TO: Plaintiffs and all counsel involved:

2 YOU ARE HEREBY NOTIFIED that the testimony of the medical
3 records custodian of Glenn Rice, M.D., will be taken at the
4 instance and request of defendants Barnett in the above action,
5 subject to continuance or adjournment from time to time or place
6 to place until completed and to be taken on the ground and for
7 the reason that said witness will give evidence material to the
8 establishment of the parties' case; said deposition to be held:

9 DATE: Wednesday, June 15, 1988
10 TIME: 9:45 A.M.
11 PLACE: #3100, 701 Fifth Ave.,
12 Seattle, WA 98104

13 DATED June 3, 1988.

14 EVANS CRAVEN & LACKIE, P.S.

15 By Rodney D. Hollenbeck
16 RODNEY D. HOLLENBECK
17 Attorneys for Defendants Barnett
18
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31 NOTICE MED REC DEP : 2
32 15004789.NOD

Evans, Craven & Lackie, P.S.
LAWYERS

410 FLORENCE COLUMBIA CENTER 701 5TH AVENUE
SEATTLE WASHINGTON 98104

(206) 386-5555

REC'D CIVIL
JUL 1 1988
20 JUN 2 1988 PM 3:12
SUPERIOR COURT

CIVIL TRACK 1

CIVIL TRACK ONE
THE HONORABLE GARY LITTLE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

1
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3
4 KATHY LEE BUTLER, et. ux.,)
5 et. al.,)

6 Plaintiffs,)

7 v.)

8 DONALD LEE BARNETT, et. ux.,)
9 et. al.,)

10 Defendants,)
11 Third Party Plaintiffs,)

12 v.)

13 GARY LIEN,)
14)
15 Third Party Defendant.)

16 _____)
17 SANDY EHRLICH, et. ux., et. al.,)

18 Plaintiffs,)

19 v.)

20 RALPH ALSKOG, et. ux., et. al.,)
21 Defendants.)
22)
23 _____)

24 MAUREEN P. JORGENSEN,)

25 Plaintiff,)

26 v.)

27 COMMUNITY CHAPEL AND BIBLE)
28 TRAINING CENTER, et. al.,)

29 Defendants.)
30)

31 NOTICE MED REC DEP : 1
32 15004789.NOD

CONSOLIDATED/TRACK ONE
NO. 86-2-18176-8

NOTICE OF MEDICAL RECORDS
DEPOSITION OF DR. JACKSON,
SUCCESSOR TO DR. RICE

[Handwritten signature]
JUN 2 1988
BY [Handwritten]

Evans, Craven & Lachic, P.A.
LAWYERS

800 FLOOR COLUMBIA CENTER 701 5th AVENUE
SEATTLE WASHINGTON 98104

(206) 386-5555

1 TO: Plaintiffs and all counsel involved:

2 YOU ARE HEREBY NOTIFIED that the testimony of the medical
3 records custodian of Dr. Jackson, successor to Dr. Rice, of 1229
4 Madison Street, #1250, Seattle, WA, will be taken at the instance
5 and request of defendants Barnett in the above action, subject to
6 continuance or adjournment from time to time or place to place
7 until completed and to be taken on the ground and for the reason
8 that said witness will give evidence material to the
9 establishment of the parties' case; said deposition to be held:

10 DATE: Wednesday, June 15, 1988
11 TIME: 10:00 A.M.
12 PLACE: #3100, 701 Fifth Ave.,
Seattle, WA 98104

13 DATED June 3, 1988.

14 EVANS CRAVEN & LACKIE, P.S.

15
16 By Rodney D. Hollenbeck
17 RODNEY D. HOLLENBECK
18 Attorneys for Defendants Barnett
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30 NOTICE MED REC DEP : 2
31 15004789.NOD
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Evans, Craven & Lackie, P.S.

LAWYERS

MID-FLOOR COLUMBIA CENTER, 701 5TH AVENUE
SEATTLE WASHINGTON 98104

(206) 386-5555

RECEIVED
JUL 11 1986
11:31 AM
SUPERIOR COURT
KING COUNTY

CIVIL TRACK 1

CIVIL TRACK ONE
THE HONORABLE GARY LITTLE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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4 KATHY LEE BUTLER, et. ux.,
5 et. al.,

6 Plaintiffs,

7 v.

8 DONALD LEE BARNETT, et. ux.,
9 et. al.,

10 Defendants,

11 Third Party Plaintiffs,

12 v.

13 GARY LIEN,

14 Third Party Defendant.
15

16 SANDY EHRLICH, et. ux., et. al.,

17 Plaintiffs,

18 v.

19 RALPH ALSKOG, et. ux., et. al.,

20 Defendants.
21

22 MAUREEN P. JORGENSEN,

23 Plaintiff,

24 v.

25 COMMUNITY CHAPEL AND BIBLE
26 TRAINING CENTER, et. al.,

27 Defendants.
28

29 NOTICE MED REC DEP : 1
30 15004789.NOD
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CONSOLIDATED/TRACK ONE
NO. 86-2-18176-8

NOTICE OF MEDICAL RECORDS
DEPOSITION OF DIANA LARDY,
M.D.

Evans, Craven & Lachic, P.S.

LAWYERS

400 COLUMBIA CENTER, 701 5th AVENUE
SEATTLE, WASHINGTON 98104

(206) 386 5555

1 TO: Plaintiffs and all counsel involved:

2 YOU ARE HEREBY NOTIFIED that the testimony of the medical
3 records custodian of Diana Lardy, M.D., will be taken at the
4 instance and request of defendants Barnett in the above action,
5 subject to continuance or adjournment from time to time or place
6 to place until completed and to be taken on the ground and for
7 the reason that said witness will give evidence material to the
8 establishment of the parties' case; said deposition to be held:

9 DATE: Wednesday, June 15, 1988
10 TIME: 9:30 A.M.
11 PLACE: #3100, 701 Fifth Ave.,
12 Seattle, WA 98104

13 DATED June 3, 1988.

14 EVANS CRAVEN & LACKIE, P.S.

15 By Rodney D. Hollenbeck
16 RODNEY D. HOLLENBECK
17 Attorneys for Defendants Barnett
18
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31 NOTICE MED REC DEP : 2
32 15004789.NOD

Evans, Craven & Lackie, P.S.
LAWYERS

300 FLOOR COLUMBIA CENTER, 701 5TH AVENUE
SEATTLE, WASHINGTON 98104

(206) 386-5555

CIVIL TRACK ONE

RECEIVED JUN 3 1983
SUPERIOR COURT
JUN 3 1983

CIVIL TRACK ONE
THE HONORABLE GARY LITTLE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, et. ux.,
et. al.,

Plaintiffs,

v.

DONALD LEE BARNETT, et. ux.,
et. al.,

Defendants,
Third Party Plaintiffs,

v.

GARY LIEN,

Third Party Defendant.

SANDY EHRLICH, et. ux., et. al.,

Plaintiffs,

v.

RALPH ALSKOG, et. ux., et. al.,

Defendants.

MAUREEN P. JORGENSEN,

Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE
TRAINING CENTER, et. al.,

Defendants.

BARNETTS' ANSWER TO
ERLICH, ETC., COMPLAINT : 1
15004790.20

CONSOLIDATED/TRACK ONE
NO. 86-2-18176-8

DEFENDANT BARNETTS' ANSWER,
COUNTERCLAIMS AND CROSS-
CLAIMS TO THE EHRLICH, ET.
AL., AMENDED COMPLAINT

83

Evans, Craven & Luckie, P.A.

LAW FIRM

405 FIFTH AVENUE
SEATTLE WASHINGTON 98101

(206) 388-5555

I. ANSWER

1.1 Answering paragraphs 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 2.1, 2.5, 3.1, 3.3, 3.4, 6.1, 7.1, 9.2, 11.2, 11.3, 11.6, 12.2, 12.3, 12.4, 12.5, 12.10 and 18.2 defendants are without sufficient information to form a belief and therefore deny same.

1.2 Answering paragraphs 2.4, 3.2, 4.4, 4.5, 8.1, 10.1, 10.2, 10.3, 10.4, 11.1, 11.4, 11.5, 11.7, 11.8, 12.1, 12.6, 12.7, 12.8, 12.9, 12.11, 12.12, 13.1, 13.2, 13.3, 13.4, 13.5, 13.6, 13.7, 13.8, 14.1, 14.2, 14.3, 14.4, 14.5(1), 14.5(2), 14.6, 14.7, 14.8, 15.2, 15.3, 15.4, 15.5, 15.6, 16.2, 16.3, 16.4, 16.5, 16.6, 16.7, 17.2, 17.3, 17.4, 17.5, 17.6, 18.3, 18.4, 19.2, 19.3, 19.4, 20.2, 21.2, 22.2, 22.3, 23.2, 24.2, 25.2, 25.3, 25.4, 25.5 and 26.2 defendants deny the same.

1.3 Answering paragraphs 4.1, 4.3 and 5.1 defendants admit same.

1.4 Answering paragraphs 2.2 and 2.3, defendants admit that Ralph Alskog was an elder and assistant to the Vice President of the Community Chapel and Bible Training Center. Insofar as paragraphs 2.2 and 2.3 contain other and further factual allegations, defendants deny same.

1.5 Answering paragraph 4.2 defendants admit Donald Lee Barnett was pastor of the Community Chapel and Bible Training Center at all times material hereto. Insofar as paragraph 4.2 contains other and further factual allegations, defendants deny same.

1.6 Answering paragraph 9.1 defendants admit Donald and Barbara Barnett were principals, agents, employees or representatives of Community Chapel and Bible Training Camp acting within the scope of their agency, employment and/or representation. Insofar as the remainder of paragraph 9.1

BARNETTS' ANSWER TO
ERLICH, ETC., COMPLAINT : 2
15004790.20

Evans, Craven & Luckie, P.S.

LAWYERS

34th FLOOR COLUMBIA CENTER, 701 5th AVENUE
SEATTLE, WASHINGTON 98104

(206) 386-5555

1 contains other and further factual allegations, defendants are
2 without sufficient information to form a belief and therefore
3 deny same.

4 1.7 Answering paragraph 20.1 defendants reallege and
5 incorporate by reference each and every answer contained in
6 paragraphs 1.1 through 1.5 as though fully set forth herein, and
7 insofar as paragraph 20.1 contains other and further factual
8 allegations, deny same.

9 1.8 Answering paragraphs 15.1, 16.1, 17.1, 18.1, 19.1,
10 21.1, 22.1, 23.1, 24.1, 25.1 and 26.1, defendants reallege and
11 incorporate as though fully set forth herein each and every
12 answer contained in paragraphs 1.1 through 1.6 of this answer.

13 FOR FURTHER ANSWER and by way of affirmative defenses,
14 defendants Barnett allege as follows:
15

16 **II. AFFIRMATIVE DEFENSES**

17 2.1 This court lacks subject matter jurisdiction.

18 2.2 Plaintiffs have failed to state a claim upon which
19 relief can be granted.

20 2.3 Plaintiffs' damages, if any, were caused by their own
21 contributory fault.

22 2.4 Plaintiffs have failed to mitigate their damages, if
23 any.

24 2.5 Defendants' actions and beliefs are privileged under
25 section 5 and section 11 of Article 1 of the Constitution of the
26 State of Washington; amendment 4, and amendment 34 of the
27 Constitution of the State of Washington; amendment 1 to the
28 Constitution of the United States of America; and amendment 14 to
29 the Constitution to the United States of America.

30 BARNETTS' ANSWER TO
31 ERLICH, ETC., COMPLAINT : 3
32 15004790.20

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SEATTLE, WASHINGTON 98104

(206) 386-5555

1 2.6 Defendants are immune from liability through corporate
2 entities.

3 2.7 Plaintiffs assumed the risk of their damages, if any.

4 2.8 Plaintiffs' damages, if any were caused by persons over
5 whom defendants had no control.

6 2.9 Plaintiffs' claims are barred by applicable statutes of
7 limitation.

8 2.10 Plaintiffs' claims are barred by laches.

9 2.11 Plaintiffs' claims are barred by estoppel and/or
10 waiver.

11 2.12 All statements made, if any, were privileged, true and
12 without fault.

13 2.13 Plaintiffs have failed to join indispensable parties.

14 FOR FURTHER ANSWER and by way of counterclaim, defendants
15 allege as follows:
16

17
18 **III. COUNTERCLAIM AGAINST LARRY LEMKE**

19 3.1 At all times material hereto, Larry Lemke was father of
20 Sybil N. Lemke.

21 3.2 Damages to Sybil N. Lemke, if any, were caused by the
22 fault of Larry Lemke.

23 3.3 Larry Lemke is liable for contribution and/or indemnity
24 to defendants in an amount to be proven at trial.

25 **IV. COUNTERCLAIM AGAINST DEE CHABOT**

26 4.1 At all times material hereto, DEE CHABOT was the parent
27 of Shawna Michelle Chabot, Michael Grant Chabot and Nicholas
28 Sterling Chabot.

29 4.2 Damages to Shawna Michelle, Michael Grant and Nicholas
30 Sterling Chabot, if any, were caused by the fault of Dee Chabot.

31 BARNETTS' ANSWER TO
32 ERLICH, ETC., COMPLAINT : 4
15004790.20

Evans, Craven & Luckie, P.S.

LAWYERS

3RD FLOOR COLUMBIA CENTER, 701 5TH AVENUE
SEATTLE, WASHINGTON 98104

(206) 386-5555

1 4.3 Dee Chabot is liable for contribution and/or indemnity
2 to defendants in an amount to be proven at trial.

3
4 **V. COUNTERCLAIM AGAINST CATHERINE AND RONALD KITCHELL**

5 5.1 At all times material hereto, Catherine and Ronald
6 Kitchell were parents of Wendy Kitchell.

7 5.2 Damages to Wendy Kitchell, if any, were caused by the
8 fault of Catherine and Ronald Kitchell.

9 5.3 Catherine and Ronald Kitchell are liable for
10 contribution and/or indemnification to defendants in an amount to
11 be proven at trial.

12 **VI. COUNTERCLAIM AGAINST SANDY EHRlich**

13 6.1 At all times material hereto, Sandy Ehrlich was the wife
14 of Michael Ehrlich.

15 6.2 Damages to Michael Ehrlich, if any, were caused by the
16 fault of Sandy Ehrlich.

17 6.3 Sandy Ehrlich is liable for contribution and/or
18 indemnity to defendants in an amount to be proven at trial.

19 **VII. COUNTERCLAIM AGAINST ALL PLAINTIFFS**

20 7.1 Plaintiffs' causes of action against these defendants
21 are frivolous and advanced without reasonable cause and
22 defendants are therefore entitled to reasonable expenses,
23 including attorney's fees incurred in defending this action
24 pursuant to RCW 4.84.185.

25 FOR FURTHER ANSWER and by way of cross-claim, defendants
26 Barnett allege as follows:

27 **VIII. CROSS-CLAIM**

28 8.1 Plaintiffs' damages, if any, were caused by co-

29
30
31 **BARNETTS' ANSWER TO**
32 **ERLICH, ETC., COMPLAINT : 5**
15004790.20

Evans, Craven & Luckie, P.S.
LAWYERS

400 COLUMBIA CENTER, 200 AVENUE
SEATTLE, WASHINGTON 98104

(206) 388-5555

1 defendants herein, and defendants are entitled to contribution
2 and/or indemnity.

3 8.2 At all times material hereto, Donald Lee Barnett and
4 Barbara Barnett were acting within the scope of their employment
5 and/or agency of the Community Chapel and Bible Training Center
6 and the Barnetts are entitled to indemnification for their
7 liability, if any, upon claims of plaintiffs.

8
9 WHEREFORE, having fully answered plaintiffs' complaint, and
10 having asserted affirmative defenses thereto, and having asserted
11 counterclaims thereto, and having asserted cross-claims, and
12 having asserted a third party complaint, defendants Barnett pray
13 for relief as follows:

14 1. That judgment be entered in favor of defendants against
15 plaintiffs and plaintiffs take nothing.

16 2. That plaintiffs' complaint be dismissed with prejudice.

17 3. That defendants be awarded contribution and/or
18 indemnification from plaintiff Larry Lemke.

19 4. That defendants be awarded contribution and/or
20 indemnification from plaintiff Dee Chabot.

21 5. That defendants be awarded contribution and/or
22 indemnification from plaintiffs Catherine and Ronald Kitchell.

23 6. That defendants be awarded contribution and/or
24 indemnification from plaintiff Sandy Ehrlich.

25 7. That defendants be awarded judgment against plaintiffs
26 upon defendants' counterclaim for a frivolous action, for costs,
27 expenses and attorney's fees.

28 8. That defendants be awarded contribution and or
29 indemnification from all co-defendants.

30 BARNETTS' ANSWER TO
31 ERLICH, ETC., COMPLAINT : 6
32 15004790.20

Evans, Craven & Luckie, P.S.
LAWYERS

400 FLOOR COLUMBIA CENTER, 300 5th AVENUE
SEATTLE, WASHINGTON 98104

(206) 386-5555

1 9. For defendants' costs and reasonable attorney's fees
2 incurred in defending this action.

3 10. For such other and further relief as to the court seems
4 just and equitable.

5
6 DATED June 3, 1988.

7 EVANS CRAVEN & LACKIE, P.S.

8
9 By Rodney D. Hollenbeck
10 RODNEY D. HOLLENBECK
11 Attorneys for Defendants Barnett
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31 BARNETTS' ANSWER TO
32 ERLICH, ETC., COMPLAINT : 7
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Evans, Craven & Lackie, P.S.
LAWYERS

300 FLORENCE COLUMBIA CENTER, 101 5th AVENUE
SEATTLE, WASHINGTON 98104

(206) 386 5555

KATHY LEE BUTLER ET VIR.,
ET AL.,

vs.

DONALD LEE BARNETT ET UX.,
ET AL.,

FILED

Plaintiff

JUN 13 9 39 AM '88

SUPERIOR COURT CLERK
SEATTLE, WA

Defendant

Garnishee Defendant

AFFIDAVIT OF SERVICE OF

NOTICE OF ORAL EXAMINATION
OF KATHERINE FLACK, SUBPOENA
DUCES TECUM TO DEPOSITION,
DEPO: 6/27/88 @ 9:30 a.m.

State of Washington

County of King

ss.

The writ served was accompanied by four answer forms and three postage prepaid envelopes which were pre-addressed to the Clerk of the Court, to the Plaintiff or his attorney, and to the Defendant, and cash or check payable to the garnishee, to the amount of Ten Dollars

A copy of the summons served is attached hereto

The undersigned, being first duly sworn, on oath deposes and says: That he is now and at all times herein mentioned was a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness therein.

That on 6/8/88 at 3:30p M., at King county courthouse, #531, Seattle

King County, Washington, affiant duly served the above-described documents in the above-entitled matter upon

Katherine Flack, Attorney at Law, Prosecuting Attorney's office

by then and there personally delivering a true and correct copy thereof to and leaving same with

Katherine Flack

That at the time and place set forth above affiant duly served the above described documents in the above-entitled matter upon

by then and there, at the residence and usual place of abode of said person(s), personally delivering true and correct copy(ies) thereof to and leaving the same with

being a person of suitable age and discretion then resident therein.

Affiant further states that he is informed and believes, and therefore alleges, that neither of said defendants is in the military service of the United States.

_____ TRIPS @ _____ MILES

Subscribed and Sworn to before me 6/10/88

P. Nolan sk

SERVICE ATTEMPTED AT:

Stanley Wegman
NOTARY PUBLIC in and for the State
of Washington, residing at Seattle

Service Fees 12.00 Travel 1.50 Return Fee 5.00 Cert. Mail _____ Total \$ 18.50

84

CERTIFICATE

On this day I delivered a true and accurate copy of the document to which this certificate is affixed to LEGAL MESSENGERS, INC. for delivery to the attorneys of record of plaintiff/defendant.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. DATED this 16th day of June, 1986 at Seattle, Washington.

Richard D. Reed

CIVIL TRACK 1

60 JUN 16 PM 3:30

KING COUNTY SUPERIOR COURT

CIVIL TRACK I

The Honorable Gary M. Little

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER et vir.,
et al.,

Plaintiffs,

vs.

DONALD LEE BARNETT et ux,
et al.,

Defendants.

NO. 86-2-18176-8

REPLY OF DEFENDANTS ALSKOGS
TO CROSSCLAIM OF DEFENDANTS
BARNETT

SANDY EHRLICH and MICHAEL EHRLICH,
wife and husband; LARRY LEMKE,
parent; LARRY LEMKE, Guardian ad
Litem on behalf of SYBIL N. LEMKE,
a minor; DEE CHABOT, parent;
Guardian ad Litem on behalf of
SHAWNA MICHAEL CHABOT, MICHAEL
GRANT CHABOT, NICHOLAS STERLING
CHABOT, minors; CATHERINE KITCHELL
and RONALD KITCHELL, wife and
husband; CATHERINE KITCHELL,
Guardian ad Litem on behalf of
WENDY KITCHELL, a minor,

Plaintiffs,

vs.

RALPH ALSKOG and ROSEMARY ALSKOG,
husband and wife; ROBERT HOWERTON
and JANE DOE HOWERTON, husband
and wife; DONALD LEE BARNETT and
BARBARA BARNETT, husband and wife;
COMMUNITY CHAPEL AND BIBLE

REPLY OF DEFENDANTS ALSKOGS TO
CROSSCLAIM OF DEFENDANTS BARNETT - 1

ROSENOW, HALE & JOHNSON
LAWYERS
SUITE 1620 KEY TOWER
1005 SECOND AVENUE
SEATTLE, WASHINGTON 98104
PHONE 433-4770

ORIGINAL


85

1 TRAINING CENTER, a Washington)
corporation; "JOHN DOES" 1-4 and)
2 "JANE DOES" 1-4, husbands and)
wives; FIRST DOE CORPORATION; and)
3 FIRST DOE PARTNERSHIP,)
4 Defendants.)
5

6 COMES NOW the Defendant ALSKOGS, by and through ROSENOW, HALE &
7 JOHNSON, and JACK G. ROSENOW, and hereby denies the crossclaim con-
8 tained in Paragraph VIII of Defendant Barnetts' Answer, Counter-
9 claims and Crossclaims, dated June 3, 1988.

10 DATED this 15 day of June, 1988.

ROSENOW, HALE & JOHNSON

11
12
13 
14 JACK G. ROSENOW
15 Of Attorneys for Defendants
16 Alskogs

17
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1486G

JUN 21 11:51

SUPERIOR COURT

CIVIL TRACK 1

GARY M. LITTLE



**SUPERIOR COURT OF WASHINGTON
COUNTY OF KING**

ORIGINAL

BUTLER, et ux., et al.,

NO. 86-2-18176-8

Plaintiffs,

v.

NOTE FOR MOTION CALENDAR

BARNETT, et ux., et al.,

(Clerk's Action Required)

Defendants.

TO: THE CLERK OF THE COURT; and to all other parties per list on reverse side:

PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the appropriate calendar.

Calendar Date: July 1, 1988 Day of Week Friday

Nature of Motion: Motion to Compel Discovery and Terms

DESIGNATED CALENDAR

- Civil Motion (LR 0.7) (9:30)
 - Summary Judgment (LR 56) (9:30)
 - Supplemental Proceeding (LR 69) (1:30)
 - Presiding Judge (Trial Date Motions Only) (11:15 or 1:30 Daily)
- Time of Hearing: _____

FAMILY LAW MOTION (LR 0.5(b) LR 94.04) (W291)

- Domestic Motion (9:30)
- Sealed File Motion (1:30)
- Support Motion (1:30)
- Modification (1:30)

EX PARTE MOTION (LR 0.9(b)) (W623)

The following motions are heard 9:00-12:00 and 1:30-4:15:

- Adoption Time of Hearing: _____
- Dissolution Time of Hearing: _____
- Ex Parte Motion Time of Hearing: _____
- Probate Time of Hearing: _____

- Receivership (LR 66) (2:00)
- Sealed File Motion (9:30)

DEPARTMENTAL HEARINGS (LR 40(b))

- Special Setting Before Judge/Commissioner.
- Time of Hearing: 10:45 a.m.

Honorable Gary M. Little
Room W864

Typed Name: Catherine D. Shaffer

OF: Preston, Thorgrimson, Ellis & Holman

DATED: June 21, 1988

Attorney for: Plaintiff, Maureen P. Jorgensen

Telephone: (206) 623-7580

LIST NAMES, ADDRESSES AND TELEPHONE NUMBERS OF ALL PARTIES REQUIRING NOTICE ON REVERSE SIDE.

List Of Names, Addresses And Telephone Numbers Of All Parties Requiring Notice:

NAME: Michael J. Bond, Esq.
- Lee, Smart, Cook, Martin & Patterson, P.S., Inc.
Address: 800 Washington Building
Seattle, Washington 98101

Telephone:

Attorney For: Defendant, Community Chapel and Bible Training Center

NAME:

Address:

Telephone:

Attorney For:

NAME:

Address:

Telephone:

Attorney for:

NAME:

Address:

Telephone:

Attorney For:

NAME:

Address:

Telephone:

Attorney For:

JUN 21 1988

SUPERIOR COURT

CIVIL TRACK 1

CIVIL TRACK I

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

KATHY LEE BUTLER, et ux.,
et al.,)

Plaintiffs,)

vs.)

DONALD LEE BARNETT, et ux.,
et al.,)

Defendants.)

NO. 86-2-18176-8

AFFIDAVIT OF SUSAN DELANTY
JONES IN SUPPORT OF MOTION
TO COMPEL AND RULE 37
CERTIFICATION

ORIGINAL

SANDY EHRLICH, et vir., et
al.,)

Plaintiffs,)

vs.)

RALPH ALSKOG, et ux., et
al.,)

Defendants.)

MAUREEN P. JORGENSEN,
Plaintiff,)

vs.)

COMMUNITY CHAPEL AND BIBLE
TRAINING CENTER, et al.)

Defendants.)

STATE OF WASHINGTON)

COUNTY OF KING) :ss

AFFIDAVIT OF SUSAN
DELANTY JONES

FILED
KING COUNTY, WASHINGTON
JUN 22 1988
CLERK OF SUPERIOR COURT
BY SUSAN COOK

Handwritten initials/signature

1 SUSAN DELANTY JONES, being first duly sworn, on oath
2 deposes and says:

3 1. I am one of the attorneys for plaintiff, Maureen P.
4 Jorgensen ("Jorgensen"), and make this affidavit on my own
5 personal knowledge in support of plaintiff's Motion to Compel
6 Discovery and for terms.

7 2. On November 6, 1987, this office served on defendant
8 Community Chapel and Bible Training Center ("CCBTC") Plain-
9 tiff's First Request for Production of Documents, a copy of
10 which is attached as Exhibit 1. Responses were due on November
11 26, 1987.

12 3. On November 19, 1987, Michael Bond, counsel for
13 defendant CCBTC, telephoned me and requested an extension of
14 time in which to answer until December 4, 1987, to which I
15 agreed.

16 4. On December 4, 1987, defendant CCBTC served its
17 responses and objections to the Request for Production, but
18 produced no documents. After a phone call and letter to Mr.
19 Bond's office, CCBTC produced some documents.

20 5. On December 23, 1987, I deposed Donald Lee Barnett
21 ("Barnett") as agent for defendant CCBTC, and inquired about
22 documents still not produced. See pages 2-6 of Barnett deposi-
23 tion transcript ("Barnett Dep."), attached as Exhibit 2. With
24 respect to documents responsive to Requests for Production Nos.
25 11 and 12, Barnett represented that his business manager, Jack
26 Hicks ("Hicks"), might have knowledge. As to requested tapes

AFFIDAVIT OF SUSAN
DELANTY JONES

- 2 -

LAW OFFICES OF
PRESTON, THORGRIMSON, ELLIS & HOLMAN
5400 COLUMBIA SEAFIRST CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7011
(206) 623-7580

1 or transcripts of Friday night sermons in October 1985, Mr.
2 Bond agreed to attempt to locate and produce them.

3 6. Later in the deposition, I asked about documents
4 responsive to Request for Production No. 4, and Mr. Bond stated
5 on the record that he would double check whether CCBTC's
6 correspondence files had all been searched. See Barnett Dep.,
7 pages 154-56, copies attached as Exhibit 3.

8 7. On January 21, 1988, I sent Mr. Bond a letter, a copy
9 of which is attached hereto as Exhibit 4, again requesting
10 documents responsive to Requests for Production Nos. 11 and 12,
11 and the tapes or transcripts of October 1985 Friday night
12 sermons.

13 8. This office served Jorgensen's Second Interrogatories
14 to Defendant CCBTC Re Insurance Coverage, a copy of which is
15 attached hereto as Exhibit 5, on May 16, 1988. Responses were
16 due June 6, 1988.

17 9. I requested the documents from Mr. Bond most recently
18 at a June 6, 1988 deposition, and he stated he was willing to
19 produce them. On June 10, 1988 I sent Mr. Bond a letter, a
20 copy of which is attached hereto as Exhibit 6, confirming that
21 conversation, and requesting CCBTC's overdue responses to
22 Jorgensen's Second Interrogatories to Defendant CCBTC Re
23 Insurance Coverage. The letter notified Mr. Bond that we would
24 wait until Friday, June 17 before proceeding with this motion
25 to compel.
26

AFFIDAVIT OF SUSAN
DELANTY JONES

1 9. To date, CCBTC still has not produced documents
2 responsive to Requests for Production 4, 11 and 12, any tape or
3 transcript of October 1985 Friday night sermons, or responses
4 to Jorgensen's second insurance interrogatories. The court is
5 requested to order production of these documents and these
6 interrogatory responses.

7 10. The court is also requested to impose terms for the
8 bringing of this motion in an amount reasonably estimated to be
9 \$200.00 through the hearing on this motion.

10
11 Susan Delanty Jones
12 Susan Delanty Jones

13 SIGNED AND SWORN TO this 20th day of June, 1988, by Susan
14 Delanty Jones.

15 William R. Cross
16 NOTARY PUBLIC in and for the
17 State of Washington,
18 residing at
19 Kirkland.

20 My commission expires: 11/13/88

1
2
3 Exhibit 1
4
5

6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
7 FOR KING COUNTY

8 MAUREEN P. JORGENSEN,)
9 Plaintiff,) No. 86-2-26360-8
10 vs.)
11 COMMUNITY CHAPEL AND BIBLE) PLAINTIFF'S FIRST
12 TRAINING CENTER, a Washington) REQUESTS FOR PRODUC-
13 non-profit corporation,) TION OF DOCUMENTS
14 Defendant.) TO DEFENDANT

15 TO: Defendant, Community Chapel and Bible Training Center;
16 AND TO: Michael J. Bond, its attorney.

17 REQUESTS FOR PRODUCTION OF DOCUMENTS

18 Pursuant to Rules of Superior Court 26 and 34, you are
19 requested to produce copies of documents described in each
20 request made below at the offices of Preston, Thorgrimson, Ellis
21 & Holman, 5400 Columbia Seafirst Center, 701 Fifth Avenue,
22 Seattle, Washington 98104, within twenty (20) days after
23 service hereof.

24 If a request is objected to or a privilege asserted, the
25 information or document objected to should be identified with
26

PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION
OF DOCUMENTS TO DEFENDANT - 1

LAW OFFICES OF
PRESTON, THORGRIMSON, ELLIS & HOLMAN
5400 COLUMBIA SEAFIRST CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7011
(206) 623-7580

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such specificity as to enable a motion to compel production to be brought.

DEFINITIONS

As used in these Requests for Production of Documents, the following terms have the following meanings:

1. "You" and "your" shall refer to and include the party to whom this discovery is directed, its attorneys, agents, investigators, accountants, and employees.

2. "Person" shall include any individual, corporation, partnership, association or any other entity of any kind.

3. "Document" shall mean any paper, agreement, note, book, photograph, ledger, pamphlet, periodical, letter, report, memorandum, notation, message, telegram, cable, record, study, working paper, chart, graph, index, tape, minutes, minute book, contract, lease, invoice, record of purchase or sale, correspondence, correspondence files, transcriptions or tapings of telephone or personal conversations or conferences, pleading, or any and all other written, printed, typed, taped, filmed, or graphic matter, however produced or reproduced, now or at any time in your possession or control.

Without limitation of the term "control" as used in the preceding sentence, a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual possession thereof.

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RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Produce all documents between any persons acting on behalf of the Chapel and plaintiff with respect to plaintiff's 1975 gift or loan of \$480,000 to the Chapel.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce all documents between the Chapel and plaintiff with respect to plaintiff's requests for assistance with medical and other expenses during the years 1972 through 1985.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Produce all minutes of elders' meetings or other meetings of church leadership at which plaintiff's gifts or loans to the Chapel, or the Pangburns' debts to the Chapel, were discussed.

PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION
OF DOCUMENTS TO DEFENDANT - 4

LAW OFFICES OF
PRESTON, THORGRIMSON, ELLIS & HOLMAN
5400 COLUMBIA SEAFIRST CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7011
(206) 623-7580

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RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Produce all documents with respect to meetings between Donald Barnett and/or Barbara Barnett and plaintiff with respect to her relationship, courtship, or marriage with Dennis Pangburn, from 1974 through 1985.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Produce all documents between Donald Barnett and plaintiff with respect to the house which was built for Maureen and Dennis Pangburn in Normandy Park in 1975; and all documents relating to Donald Barnett's dealings with architects, engineers, building contractors, or others working on that house.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Produce all documents relating to the acquisition by the Chapel from the Catholic Archbishop of Seattle of that parcel of real property commonly known as Gethsemane Cemetery in January, 1976.

PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION
OF DOCUMENTS TO DEFENDANT - 5

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RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Produce all documents regarding financial matters between the Chapel and Maureen and Dennis Pangburn to the extent not produced pursuant to Request Nos. 2 through 8 above.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Produce all documents relating to the litigation between plaintiff and the Alaska Highway Department.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Produce all bank records from January 1, 1976 to the present relating to the corporate agency account between Seattle-First National Bank and the Chapel dated December 3, 1975 and signed by L. E. Seibold and E. Scott Hartley under Trust No. 001-20-162930; and all other bank records relating to plaintiff's 1975 gift or loan of \$480,000 to the Chapel.

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RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Produce all documents of whatever kind relating to the Chapel's investment of funds from plaintiff's 1975 gift or of the loan of \$480,000 to the Chapel.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Produce the Articles of Incorporation and bylaws of the Community Chapel and Bible Training Center, and all documents relating thereto, including without limitation documents relating to church governance.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Produce all organizational charts showing pastors, elders, officers, Bible School officials and other management hierarchy of the Chapel for the years 1972 to the present.

RESPONSE:

PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION
OF DOCUMENTS TO DEFENDANT - 7

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REQUEST FOR PRODUCTION NO. 15: Produce all documents, whether published or unpublished, relating to the history of the Chapel since its inception.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Produce copies of all complaints filed against the Chapel in court proceedings since 1972.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Produce all documents relating to one-time gifts or no-interest loans made by parishioners to the Chapel in amounts exceeding \$5,000.00, from 1972 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Produce all insurance policies and related documents, including without limitation

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endorsements, riders and amendments, identified in Plaintiff's
First Interrogatories to Defendant served herewith.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: Produce all documents
relating to the doctrine or dogma of the Chapel that one's money
should be contributed to the Chapel and sacrificed for the
"Lord's work".

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: Produce all documents
relating to the doctrine or dogma of "disfellowshipping".

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: Produce all documents
relating to the doctrine or dogma that Chapel members must
submit to the authority of the pastor.

RESPONSE:

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REQUEST FOR PRODUCTION NO. 22: Produce all documents relating to the doctrine or dogma that wives must submit to the authority of their husbands.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23: Produce all documents relating to the doctrine or dogma of "spiritual connections".

RESPONSE:

REQUESTS FOR PRODUCTION DATED this 5 day of November, 1987.

PRESTON, THORGRIMSON, ELLIS & HOLMAN

BY Susan Delanty Jones
Susan Delanty Jones
Jane M. Faulkner
Attorneys for Plaintiff, Maureen P. Jorgensen

Exhibit 2

1 Q If you don't understand any of my questions, will you ask me
2 to repeat it, so that you are clear, and I am clear about
3 what we are talking about?

4 A Yes.

5 Q Mr. Barnett, the first thing that I would like to do this
6 morning is to give you a copy of the responses that were
7 returned to us by your attorney from the Request for
8 Production of Documents. I am not going to make an exhibit
9 of them, but these are Plaintiff's First Request for
10 Production of Documents. I am just interested in some of
11 the responses, and if you don't know the answers, then you
12 can tell me so, and we will deal with this with Mr. Hicks at
13 a later time.

14 What I would like you to do is to turn to page 6, I'm
15 sorry, page 5, Request for Production Number 6. We asked
16 for documents with respect to meetings between you or
17 Barbara Barnett and Maureen, at that time, I'Anson, with
18 respect to her relationship or marriage with Dennis
19 Pangburn. The response was that there was an objection, but
20 if there were any documents about that, they would be
21 produced.

22 My question to you is, do you know if there are any
23 documents relating to meetings between yourself, between
24 Mrs. Barnett and between Maureen?

25 A No.

1 Q In respect to the court reporter, if you would let me finish
2 my question, and then you can answer.

3 You mean you don't know if there are, or there are
4 none?

5 A I am quite sure that there are none.

6 Q With respect to Request for Production Number 10, which is
7 on page 6, we asked you to produce documents relating to the
8 litigation between Maureen and the Alaska Highway Department
9 in the early 1970's. The response was that if any existed,
10 they would be produced. We did not receive any, and my
11 question is, are there any documents that you have that
12 relate to the litigation?

13 A No.

14 Q Request for Production Number 11, which is the next one, we
15 requested all bank records from January 1, 1976 to the
16 present relating to the agency account. This is the account
17 which the loan proceeds, I believe, were deposited. We did
18 receive materials about that account which ended in March of
19 1976.

20 My question is, are there other bank records with
21 respect to that account after March of 1976?

22 A I don't know, because my business manager, Jack Hicks, took
23 care of this, and I don't know if there are any.

24 Q So Jack would be the one to ask about that?

25 A Yes.

1 MR. BOND: That was number 11?

2 MS. JONES: Yes.

3 MR. BOND: We need to find out what the story is
4 on that.

5 MS. JONES: I would appreciate that. I will be
6 having a few questions for Mr. Barnett on those, but I
7 assume that Mr. Hicks will be the one that knows about that.

8 Q (By Ms. Jones) On the next page, page 7, Request for
9 Production Number 12, we asked for documents which relate to
10 the chapel's investment of funds which were loaned by
11 Maureen in 1975. Other than the documents that Mr. Bond
12 just looked at, we didn't receive any documents, and my
13 question is, are there documents that relate to how those
14 funds were used, other than the bank records that we just
15 looked at or just talked about in the previous request?

16 A I don't know. My business manager would have to investigate
17 that.

18 Q Again, that is Jack Hicks?

19 A Yeah.

20 Q Mr. Barnett, the church also produced a number of tapes for
21 us at our request about and from various sermons, I take it,
22 or teachings. The one thing that we are interested in that
23 we have not been able to obtain ourselves from discovery are
24 the tapes from the Friday full-day service during October
25 1985. We don't have those, and they have not been available

1 to my client to receive them. Is there some reason why we
2 would not be able to get those documents and those tapes, as
3 well?

4 MR. BOND: Did you say October 1985?

5 MS. JONES: October 1985, Friday evening, full
6 service tape.

7 MR. BOND: I will tell you the reason why you
8 don't have those, and that is because we feel they are
9 neither relevant nor reasonably calculated to lead to the
10 discovery of any admissible evidence, and that was our
11 position as to any teachings or doctrines or tapes or
12 sermons, other than financial records related to Maureen's
13 gift after the date of the gift.

14 Now, I think I can see now what your reason for
15 that particular tape was, because there appears to be some
16 allegation that there has been a breach of agreement?

17 MS. JONES: Correct.

18 MR. BOND: And you believe that the October 1985
19 tape will provide some evidence of that?

20 MS. JONES: Correct.

21 MR. BOND: All right. I think you are entitled to
22 that, and we will check to see. Can you give us a specific
23 date?

24 MS. JONES: Unfortunately, we cannot. It was a
25 Friday night in October, I believe.

1 MS. JORGENSEN: I believe it was one of the last
2 two Friday nights in October, but I am not sure.

3 MR. BOND: A Friday night service, I will check it
4 out, and see if we can't get you those.

5 MS. JONES: Thank you.

6 Q (By Ms. Jones) Mr. Barnett, that is all I have on the
7 Answers to Interrogatories.

8 A Okay.

9 Q Mr. Barnett, I take it that you are the senior pastor of the
10 Community Chapel & Bible Training Center in south Seattle?

11 A Yes.

12 Q And senior pastor is an accurate title?

13 A We only have one pastor. I am the pastor.

14 Q How long have you been the pastor of the Community Chapel?

15 A Approximately 20 years.

16 Q Approximately since 1967?

17 A I am not sure of the originating date.

18 Q What was your occupation prior to you becoming the pastor of
19 the Community Chapel?

20 A I was an engineer at Boeing.

21 Q For how long were you an engineer?

22 A Probably six years.

23 Q And prior to that?

24 A I was a draftsman at Boeing.

25 Q What kind of an engineer were you?

Exhibit 3

1 was adequate.

2 Q (By Ms. Jones) To the extent it was argumentative, I
3 apologize, Mr. Barnett, but the point is, I thought you had
4 said that you had considered those items, and I was just
5 trying to make sure that your testimony is that if she
6 incurred expenses in medical bills, and they were beyond her
7 capacity to meet from \$2,000 a month in 1988, 1989 or 1990,
8 so be it. Perhaps that is a mischaracterization, but that
9 is what I am trying to tie down.

10 A I think that when a pastor is offered a gift by somebody, he
11 doesn't have any more obligation than to take it. I think
12 I already went beyond my obligation to do my best to try to
13 see that she was taken care of in a way that I thought was
14 proper, considering the situation. So I honestly did my
15 utmost to consider her, and do what I felt was best for her
16 at that time.

17 Q Do you recall that Maureen made a request for assistance in
18 the amount of approximately \$10,000 to pay medical expenses
19 in 1985, which she had incurred as a result of her gall-
20 bladder?

21 A I knew nothing about that.

22 Q Did she ever contact you personally about that?

23 A No.

24 Q Do you know whether she contacted anyone else at the church?

25 A I don't know.

1 Q You haven't seen any correspondence with respect to that
2 request?

3 A I saw a few days ago something I read or some piece of
4 paper, and that was my first knowledge of it. I knew
5 nothing about it at the time or remember nothing about it.
6 If you would have asked me five days ago whether she had an
7 operation or not, I would have said not that I know of.

8 MS. JONES: We didn't get anything in discovery,
9 Mike, on that. I don't know if he was reading our
10 settlement letter or not, but --

11 MR. BOND: Yes, he was.

12 MS. JONES: All right.

13 Q (By Ms. Jones) Is there any other document, other than our
14 version of that story in the settlement letter that you
15 know of? Specifically, a letter from Maureen? We believe
16 that Maureen did write a letter to the church, and we
17 haven't seen it, and she didn't keep a copy of it at the
18 time.

19 MR. BOND: Was that requested in the Request for
20 Production?

21 MS. JONES: Yes.

22 THE WITNESS: I don't know, because it was news to
23 me, until I read it in your letter. I didn't even know
24 anything about it.

25 MR. BOND: I see I have number four where it asks

1 for medical and other expenses?

2 MS. JONES: Yes, request for assistance and other
3 medical expenses occurring from 1972 to 1985. We did get
4 things, such as request for help on the mortgage and so on,
5 but I didn't see anything with respect to medical expenses,
6 which our client indicates she has made in writing.

7 MR. BOND: In writing a letter?

8 MS. JONES: Right, to Don Barnett.

9 THE WITNESS: I don't know about that.

10 MR. BOND: Well --

11 MS. JONES: There may be letters to other people,
12 Hartley.

13 MR. BOND: Let me just --

14 MS. JONES: Letters directed to Don may have been
15 directed to someone else or may be in someone else's file.
16 Whoever would be the recipient of, or the person to make a
17 decision on that.

18 MR. BOND: This is possible. Don's secretary
19 maintains her own correspondence file, and I will double
20 check to see if any correspondence files have not been
21 searched.

22 THE WITNESS: It is possible to get a letter, and
23 see that the particular business manager is to do this, and
24 then forget it and not remember.

25 Q (By Ms. Jones) You don't necessary make a xerox for your

LAW OFFICES OF
PRESTON, THORGRIMSON, ELLIS & HOLMAN

5400 COLUMBIA SEAFIRST CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7011
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TELEX 4740035 TELECOPY (206) 623-7022

SUSAN DELANTY JONES

1735 NEW YORK AVE. N.W. SUITE 900
WASHINGTON, D.C. 20006
(202) 628-1700
TELEX 904059 WSH
TELECOPY (202) 331-1024

420 L STREET SUITE 404
ANCHORAGE, ALASKA 99501
(907) 275-1989
TELECOPY (907) 275-1355

SEAFIRST FINANCIAL CENTER
SUITE 1480
SPOKANE, WASHINGTON 99201
(509) 624-2100
TELECOPY (509) 456-0146

1230 S.W. 1ST AVENUE, SUITE 300
PORTLAND, OREGON 97204
(503) 225-0815
TELECOPY (503) 248-9085

January 21, 1988

Exhibit 4

Michael J. Bond, Esq.
Lee, Smart, Cook, Martin &
Patterson, P.S., Inc.
800 Washington Building
Seattle, Washington 98101

Re: Jorgensen v. Community Chapel

Dear Michael:

At Donald Barnett's deposition on December 23, 1987, we discussed on the record a number of our discovery requests that had been unanswered by the Community Chapel and Bible Training Center. To date we have received no documents to supplement the responses which you produced to us on December 4, 1987.

Based on Mr. Barnett's deposition testimony, we believe there may be documents in the following categories:

1. Request for Production No. 11 (relating to bank records). Mr. Barnett said Jack Hicks might have knowledge about such records.

2. Request for Production No. 12 (investment of funds). Mr. Hicks may have knowledge.

3. You indicated that you had not produced the sermon tapes for the Friday night sermons in October, 1985. We requested these tapes (or transcriptions if available) and you indicated that you would produce them if they exist. If they do not, we shall be interested in knowing what has become of them.

As we discussed on December 23, we wish to continue Mr. Barnett's deposition at a mutually convenient time after we have received these items.

We also wish to schedule the deposition of Jack Hicks and request that you contact us with respect to his availability.


Michael J. Bond,
January 21, 1988
Page 2

Thank you for your cooperation.

Very truly yours,

PRESTON, THORGRIMSON,
ELLIS & HOLMAN

By


Susan Delanty Jones

SDJ:cjw
cc: Ms. Maureen Jorgensen

PGBRN002

Exhibit 5

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

KATHY LEE BUTLER, et ux.,)
et al.,)
Plaintiffs,)
vs.)
DONALD LEE BARNETT, et ux.,)
et al.,)
Defendants.)

NO. 86-2-18176-8

JORGENSEN'S SECOND
INTERROGATORIES TO
DEFENDANT CCBTC
RE INSURANCE COVERAGE

-----)
SANDY EHRLICH, et vir., et)
al.,)
Plaintiffs,)
vs.)
RALPH ALSKOG, et ux., et)
al.,)
Defendants.)

-----)
MAUREEN P. JORGENSEN,)
Plaintiff,)
vs.)
COMMUNITY CHAPEL AND BIBLE)
TRAINING CENTER, et al.)
Defendants.)
-----)

TO: Defendant, Community Chapel and Bible Training Center
AND TO: Michael J. Bond, Attorney for Defendant Community
Chapel and Bible Training Center

PLAINTIFF JORGENSEN'S
SECOND INTERROGATORIES
TO CCBTC RE INSURANCE

1 Pursuant to Superior Court Civil Rules 26 and 33, plaintiff
2 Maureen P. Jorgensen propounds the following interrogatories to
3 defendant, Community Chapel and Bible Training Center ("CCBTC"),
4 to be answered in writing and under oath, and answers to be
5 served upon the undersigned counsel at the offices of Preston,
6 Thorgrimson, Ellis & Holman, 5400 Columbia Seafirst Center, 701
7 Fifth Avenue, Seattle, Washington, 98104, within twenty (20)
8 days after service hereof or at such other time and place as
9 counsel for the respective parties may hereafter agree.

10
11 A. INSTRUCTIONS

12 These interrogatories are intended as continuing, requiring
13 you to answer by supplemental answers, setting forth any infor-
14 mation within the scope of the interrogatories that may be
15 acquired by you or your agents, attorneys, or representatives
16 following your original answers, all as required by Civil Rule
17 26(e).

18 Space for your answers has been provided after each inter-
19 rogatory. If the space provided for the answer is insufficient,
20 please attach additional pages to the page on which the answer
21 is set forth.

22 If any part of the following interrogatories cannot be
23 answered in full, answer to the extent possible, specifying the
24 reason for your inability to answer the remainder, and state
25 whatever information or knowledge you have concerning the
26 unanswered portion.

1 Whenever appropriate in these interrogatories, the singular
2 includes the plural number, and vice versa. The masculine
3 includes the feminine and neutral genders. The past tense
4 includes the present tense where the clear meaning is not
5 distorted by change of tense.

6 If you do not answer any interrogatory because of a claim
7 of privilege, as to each failure to answer set forth the privi-
8 lege claimed, the facts on which you rely to support the claim
9 of privilege, and the identity of any person with knowledge of
10 such facts.

11 B. DEFINITIONS

12 As used in these interrogatories, the following terms have
13 the following meanings:

14 1. "You" and "your" refers to and includes the party to
15 whom this discovery is directed, and its attorneys, agents,
16 investigators, accountants, and employees.

17 2. "Person" means any natural individual, corporation,
18 partnership, joint venture, firm, association, proprietorship,
19 agency, board, authority, commission, or other such entity.

20 3. "Representative" means any and all past or present
21 agents, employees, servants, officers, directors, attorneys, or
22 other persons acting or purporting to act or held out as acting
23 on behalf of another.

24 4. "Identify" means:

25 A. When used in connection with documents, to state
26 with respect to each document, regardless of whether a

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privilege is claimed, its date, author, address, recipient, subject matter, present location and custodian, number of pages, and if no longer in your possession or control, its disposition.

B. When used in connection with persons, to state each such person's full name, address, telephone number, business or occupation, title or position, employer, and business address and telephone number.

C. When used in connection with a firm, partnership, proprietorship, association, corporation, or other organization or entity, to state its full name, present or last known address (designating which), telephone number, and each person who acted for it with respect to the matters relating to the interrogatory or answer.

5. "Document" and "documents" mean any written, typewritten, handwritten, printed, taped, filmed, videotaped, or graphic matter, however produced or reproduced, now or at any time in your possession, control or custody; and, without limiting the generality of the foregoing definition, but for purposes of illustration only, "document" and "documents" include papers, agreements, notes, correspondence, memoranda, business records, minutes, ledgers, diaries, calendars, address and telephone records, messages, telegrams, cables, photographs, tape recordings, transcriptions, reports, financial and bank statements,

1 applications, computer printouts, invoices, receipts, purchase
2 orders, and billing or credit memoranda.

3 6. "Note" means that promissory note dated December 1,
4 1975, between CCBTC and Maureen Pangburn, attached as Exhibit 1
5 to the First Amended Complaint in this action.

6 7. "CCBTC" means the Community Chapel and Bible Training
7 Center, or its predecessors and successors, from 1972 to the
8 present.

9 8. "Plaintiff" means Maureen P. Jorgensen.

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11 INTERROGATORIES

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13 INTERROGATORY NO. 1: Identify the person or persons
14 answering these interrogatories.

15 ANSWER:

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18 INTERROGATORY NO. 2: Are you covered by any policy of
19 insurance which provides or may provide coverage for any of the
20 claims against you that are described in plaintiff's First
21 Amended Complaint?

22 ANSWER:

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25 INTERROGATORY NO. 3: Identify all insurance policies which
26 provide or may provide coverage for any judgment that may arise

1 out of the claims against you that are described in plaintiff's
2 First Amended Complaint.

3 ANSWER:

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6 INTERROGATORY NO. 4: Has any insurer accepted coverage for
7 any claim made by you arising out of the allegations in plain-
8 tiff's First Amended Complaint? If so, identify any and all
9 such insurers; identify the insurance policy or policies; and
10 identify any and all documents which reflect, refer or relate to
11 such acceptance.

12 ANSWER:

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INTERROGATORY NO. 5: Has any insurer accepted coverage for
any claim made by you arising out of the allegations in plain-
tiff's First Amended Complaint with reservation of rights? If
so, identify any and all such insurers; identify the insurance
policy or policies; and identify any and all documents which
reflect, refer or relate to such acceptance with reservation of
rights.

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ANSWER:

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INTERROGATORY NO. 6: Has any insurer investigated your
claim for coverage arising out of plaintiff's First Amended

PLAINTIFF JORGENSEN'S
SECOND INTERROGATORIES
TO CCBTC RE INSURANCE

1 Complaint? If so, identify each such insurer; identify the
2 insurance policy or policies; and identify any and all documents
3 which reflect, refer or relate to such investigation(s).

4 ANSWER:

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7 INTERROGATORY NO. 7: Identify any and all exclusions under
8 which any insurer providing coverage for the claims asserted
9 against you in plaintiff's First Amended Complaint intends to
10 deny coverage; any such insurer; and any and all documents which
11 reflect, refer or relate to any such exclusions.

12 ANSWER:

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15 INTERROGATORY NO. 8: Have you made any written or oral
16 report to an insurance company regarding the claims against you
17 asserted in plaintiff's First Amended Complaint? If so, list
18 each such report and as to each report:

- 19 1. Identify the insurance company to which you reported,
20 each report recipient, and each person or entity
21 making the report;
22 2. State the date and contents of the report;
23 3. State whether the report was oral or written;
24 4. State the location where the report was made.
25 5. State whether you have or had in your possession,
26 control, or custody a copy of the report.

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ANSWER:

INTERROGATORY NO. 9: Did you have an insurance broker at the time plaintiff's First Amended Complaint was filed? If so, identify each such broker.

ANSWER:

INTERROGATORY NO. 10: Have you made any written or oral report to an insurance broker regarding the claims against you asserted in plaintiff's First Amended Complaint? If so, list each such report and as to each report:

1. Identify the insurance broker to which you reported, each report recipient, and each person or entity making the report;
2. State the date and contents of the report;
3. State whether the report was oral or written;
4. State the location where the report was made.
5. State whether you have or had in your possession, control, or custody a copy of the report.

ANSWER:

INTERROGATORY NO. 11: If you have made any written or oral report to an insurance broker or insurance company regarding the

1 claims against you asserted in plaintiff's First Amended Com-
2 plaint, did you receive any response? If so, list each such
3 response and as to each response:

- 4 1. Identify the insurance broker and/or insurance company
5 responding, each person making the response, and each
6 person receiving the response;
7 2. State the date and contents of the response;
8 3. State whether you have or had in your possession,
9 control or custody a copy of any document(s) reflect-
10 ing, referring or relating to the response, and if so,
11 identify each such document.

12 ANSWER:

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15 INTERROGATORY NO. 12: Do you have any other form or source
16 of reimbursement or coverage for any potential judgment against
17 you arising from the claims against you asserted in plaintiff's
18 First Amended Complaint? If so, identify the source of such
19 potential reimbursement or coverage, state the form(s) of such
20 reimbursement or coverage, and state the amounts available from
21 each such form or source of reimbursement or coverage.

22 ANSWER:

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25 INTERROGATORY NO. 13: If you have ever been a party to any
26 civil suit, bankruptcy, arbitration or administrative action,

PLAINTIFF JORGENSEN'S
SECOND INTERROGATORIES
TO CCBTC RE INSURANCE

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state:

1. The date and place the action was filed;
2. The court, arbitration board, or administrative agency before which the action was brought;
3. Whether you were plaintiff or defendant;
4. The cause or identifying file number;
5. The names of all parties thereto;
6. The name(s) of your attorney(s);
7. The disposition, including amount of settlement or judgment, if any; and
8. If there was you paid a settlement or judgment against you, as to each such settlement or judgment, the form or source by which you paid it.

ANSWER:

MESSENGER DELIVERY/PICKUP REQUEST

Preston, Thorgrimson, Ellis & Holman

No. _____

Client/Matter Name Jorgensen/Community Chapel

Date/Time Requested 05 /16 /88 10:00

Client/Matter No. PD167-86001

Deliver or Pickup By / / ^{am/pm} before noon

FOR ADMINISTRATIVE USE ONLY

Return By* (if pick up) / / ^{am/pm} ~~/ /~~

Completed By Scott

Requested By C. Shaffer

Date Completed 5/16

(Attorney)

Time Completed 10:10 AM

Client Charge \$ 10.00

K. Thomas

(Secretary/Other)

Delivery Pickup* (if need returned immediately specify above)

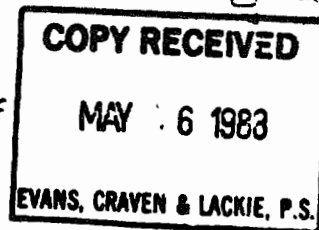
Name of Document: _____

NAME/ADDRESS

Please serve: Rodney D. Hollenbeck
Evans, Craven & Lackie, P.S.
3490 Columbia Seafirst Center

AND

Michael J. Bond
Lee, Smart, Cook, Martin & Patterson, P.S.
800 Washington Building
1325 4th Avenue
Seattle, Washington



Received by _____

8/87

WHITE - ACCOUNTING

PINK - REQUESTOR

BLUE - MESSENGER

YELLOW - SERVICES

PTEH Form 014

Michael J. Bond
June 10, 1988
Page 2

Very truly yours,

PRESTON, THORGRIMSON
ELLIS & HOLMAN

By *Susan Delanty Jones*
Susan Delanty Jones

JTOBOND.LTR
ENCLOSURE

cc: Maureen Jorgensen

SUSAN DELANTY JONES

LAW OFFICES OF
PRESTON, THORGRIMSON, ELLIS & HOLMAN

5400 COLUMBIA SEAFIRST CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7011
(206) 623-7580

TELEX 4740035 TELECOPY (206) 623-7022

Exhibit 6

June 10, 1988

HAND DELIVERED

Michael J. Bond
Lee, Smart, Cook, Martin & Patterson, P.S., Inc.
800 Washington Building
1325 Fourth Avenue
Seattle, WA 98101

Re: Butler, Jorgensen et al. v. Barnett et al.

Dear Michael:

This letter is a follow-up to our conversation this past Monday, June 6, concerning production of documents responsive to Jorgensen's First Request for Production of Documents (served on you on November 6, 1987) and promised in Donald Barnett's December 23, 1987 deposition. You stated that we need not file our contemplated motion to compel because you are willing to produce the documents. Pursuant to our discussion, we enclose a copy of our prior letter requesting these documents and information. Also enclosed is a copy of my proposed affidavit in support of the motion to compel, which we had drafted prior to June 6.

We enclose as well the last page of your responses to Plaintiff's First Request for Production of Documents for your client's witnessed signature.

We also have not received your responses to Jorgensen's Second Interrogatories to Defendant CCBTC Re Insurance Coverage. Those responses were due on Monday, June 6.

Please provide us with the documents, the signed response page and your interrogatory responses. We will wait until 2 p.m. next Friday, June 17, 1988 before proceeding with our motion to compel.

1735 NEW YORK AVE. N.W. SUITE 300
WASHINGTON, D.C. 20008
202: 628-1700
TELEX 904099 WSH
TELECOPY: 202/ 331-1024

420 L STREET SUITE 404
ANCHORAGE ALASKA 99501
907: 278-1989
TELECOPY: 907/ 278-1355

SEAFIRST FINANCIAL CENTER
SUITE 1480
SPOKANE WASHINGTON 99201
509: 624-2100
TELECOPY: 509/ 456-0146

230 S W 1ST AVENUE SUITE 300
PORTLAND, OREGON 97204
503: 225-0815
TELECOPY 503/ 248-9085

67 JUN 21 11:11:54

CIVIL TRACK 1

CIVIL TRACK I

DEPT. CLERK
SUPERIOR COURT

GARY M. LITTLE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

KATHY LEE BUTLER, et ux.,
et al.,

Plaintiffs,

vs.

DONALD LEE BARNETT, et ux.,
et al.,

Defendants.

NO. 86-2-18176-8

MOTION OF MAUREEN JORGENSEN
TO COMPEL DISCOVERY
AND TERMS

ORIGINAL

SANDY EHRLICH, et vir., et
al.,

Plaintiffs,

vs.

RALPH ALSKOG, et ux., et
al.,

Defendants.

MAUREEN P. JORGENSEN,

Plaintiff,

vs.

COMMUNITY CHAPEL AND BIBLE
TRAINING CENTER, et al.

Defendants.

Plaintiff, Maureen P. Jorgensen ("Jorgensen"),
through her undersigned attorneys, moves the court as follows:

MOTION TO COMPEL
DISCOVERY

- 1 -

LAW OFFICES OF
PRESTON, THORGRIMSON, ELLIS & HOLMAN
5400 COLUMBIA SEAFIRST CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7011
(206) 623-7580

FILED
JUN 22 1983
SUPERIOR COURT CLERK
BY ROBIN COOK
DEPUTY

JK

1 1. Relief Requested:

2 Plaintiff Jorgensen seeks an order compelling defendant,
3 Community Chapel and Bible Training Center ("CCBTC"), to
4 produce documents in response to Plaintiff's First Request for
5 Production of Documents and provide responses to Jorgensen's
6 Second Interrogatories to Defendant CCBTC Re Insurance Cover-
7 age.

8 2. Facts:

9 On November 6, 1987, Jorgensen served on defendant CCBTC's
10 counsel her first Request for Production of Documents, a copy
11 of which is attached as Exhibit 1 to the Affidavit and Rule 37
12 Certification of Susan Delanty Jones ("Jones Aff.") filed
13 herewith. On November 19, 1987, counsel for CCBTC requested an
14 extension, which was granted by plaintiff Jorgensen's attor-
15 neys. After calling counsel for CCBTC on December 11, 1987 and
16 sending a letter to CCBTC counsel later that day, counsel for
17 Jorgensen received some of the requested documents.

18 On December 23, 1987 counsel for Jorgensen deposed Donald
19 Lee Barnett ("Barnett"), as agent for defendant CCBTC, and
20 inquired about documents still not produced. See pages 2-6 of
21 the deposition transcript, attached to the Jones Aff. as
22 Exhibit 2. With respect to documents responsive to Request for
23 Production Nos. 11 and 12, Barnett represented that CCBTC's
24 then business manager, Jack Hicks ("Hicks") was the CCBTC
25 representative who should investigate those requests. As to
26 requested tapes or transcripts of Friday night sermons in

1 October 1985, counsel for CCBTC stated on the record that he
2 had reconsidered CCBTC's objection to production, that
3 Jorgensen was entitled to such tapes or transcripts, and that
4 he would check on them.

5 Counsel for Jorgensen also inquired about documents
6 responsive to Request for Production No. 4, and counsel for
7 CCBTC stated he would double check whether any of CCBTC's
8 correspondence files had not been searched. See pages 154-56
9 of Barnett deposition transcript, attached to the Jones Aff. as
10 Exhibit 3.

11 On January 21, 1988, Jorgensen's counsel sent CCBTC's
12 counsel a letter, again requesting documents responsive to
13 Requests for Production Nos. 11 and 12, and tapes or tran-
14 scriptions of October 1985 Friday night sermons. Jones Aff.
15 Exhibit 4.

16 On May 16, 1988, Jorgensen's counsel served Jorgensen's
17 Second Interrogatories to Defendant CCBTC Re Insurance Cover-
18 age. Jones Aff. Exhibit 5. Responses were due June 6, 1988.

19 On June 6, 1988, Jorgensen's counsel again requested the
20 documents from CCBTC's counsel. On June 10, 1988, Jorgensen's
21 counsel sent a follow-up letter requesting the documents and
22 CCBTC's responses to Jorgensen's Second Interrogatories regard-
23 ing insurance coverage by June 17, 1988. Jones Aff. Exhibit 6.

24 CCBTC still has not produced documents responsive to
25 Requests for Production 4, 11 and 12, any tape or transcript of
26 October 1985 Friday night sermons, or any responses to

MOTION TO COMPEL
DISCOVERY

1 Jorgensen's Second Interrogatories regarding insurance cover-
2 age.

3 3. Issues Presented:

4 Should the Court grant Jorgensen's Motion to Compel,
5 together with appropriate terms?

6 4. Evidence Relied Upon:

7 This motion is based on the Jones Aff., with attached
8 exhibits, filed herewith.

9 5. Legal Authority:

10 This motion is based on CR 37 and LR 37(e) and (f).

11 6. Proposed Order:

12 This motion is accompanied by a proposed Order as required
13 by Local Civil Rule 7(b)(2)(D)(vi).

14
15 DATED this 20 day of June, 1988.

16 PRESTON, THORGRIMSON, ELLIS & HOLMAN

17
18 By 

19 Susan Delanty Jones
20 Catherine D. Shaffer
21 Attorneys for Plaintiff,
22 Maureen P. Jorgensen
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

KATHY LEE BUTLER, et ux.,
et al.,

Plaintiffs,

vs.

DONALD LEE BARNETT, et ux.,
et al.,

Defendants.

NO. 86-2-18176-8

ORDER COMPELLING DISCOVERY
AND ASSESSING TERMS

PROPOSED

SANDY EHRLICH, et vir., et
al.,

Plaintiffs,

vs.

RALPH ALSKOG, et ux., et
al.,

Defendants.

MAUREEN P. JORGENSEN,

Plaintiff,

vs.

COMMUNITY CHAPEL AND BIBLE
TRAINING CENTER, et al.

Defendants.

ORDER COMPELLING DISCOVERY
AND ASSESSING TERMS

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THIS MATTER having come before the Court on the motion of Plaintiff, Maureen P. Jorgensen, for an order compelling discovery and assessing terms; and the Court having reviewed the Affidavit of Susan Delanty Jones and the responding Affidavits, if any, of defendant, Community Chapel and Bible Training Center; and the records and files herein; and the Court having heard the argument of counsel; now, therefore, it is hereby

ORDERED, ADJUDGED AND DECREED that defendant, Community Chapel and Bible Training Center, is ordered to produce all documents responsive to Plaintiff's First Request for Production of Documents, any tapes or transcripts of October 1985 Friday night sermons, and responses to Jorgensen's Second Interrogatories to Defendant CCBTC Re Insurance Coverage; and it is further

ORDERED, ADJUDGED AND DECREED that defendant, Community Chapel and Bible Training Center, is assessed terms in the amount of \$_____ for plaintiff's costs in bringing this motion.

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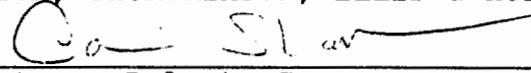
DONE IN OPEN COURT this _____ day of _____, 1988.

JUDGE

Presented by:

PRESTON, THORGRIMSON, ELLIS & HOLMAN

By



Susan Delanty Jones
Catherine D. Shaffer

Attorneys for Plaintiff, Maureen
P. Jorgensen

CIVIL TRACK 1

FILED
KING COUNTY, WASHINGTON

JUN 23 1988

CIVIL TRACK 1
JUDGE GARY LITTLE
CLERK
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

8 KATHY LEE BUTLER, et vir.,)
et al.,)
9 Plaintiffs,)
10 vs.)
11 DONALD LEE BARNETT, et ux.,)
et al.,)
12 Defendants.)

NO. 86-2-18176-8

BRIEF IN RESPONSE TO
DEFENDANT ALSKOG'S MOTION
REQUIRING IDENTIFICATION
OF WITNESSES BY SPECIFIC
CASE NAME

14 SANDY EHRLICH and MICHAEL)
EHRLICH, et vir., et al.,)
15 Plaintiffs,)
16 vs.)
17 RALPH ALSKOG and ROSEMARY)
ALSKOG, et ux., et al.,)
18 Defendants.)
19)
20)

21 COME NOW the Plaintiffs, Sandy and Michael Ehrlich, by
22 and through their attorneys of record, and submit the following
23 Brief in opposition to Defendant Alskog's Motion Requiring
24 Identification of Witnesses by Specific Case Name.

25 Pursuant to CR 26 and the Agreed Order for Pretrial
26 Discovery, parties developed and distributed lists of lay
27 witnesses who had factual knowledge concerning liability or

28 BRIEF IN OPPOSITION
(ccbtc:ccbtcp/jao)

89/B

LAW OFFICES OF
ADLER, GIERSCHE AND READ, P.S.
1621 SMITH TOWER
SEATTLE, WA 98104
(206) 682-4267