

1 witnesses in this case: February 28, 1989, following Rosemary
2 Alskog's deposition; March 15, 16, 17, 20 (p.m. only), 22, and 23,
3 1989.

4 Mr. Rosenow also listed a number of witnesses for whom he
5 requested that depositions be scheduled on those dates.

6 I immediately contacted these witnesses and informed them of
7 Mr. Rosenow's dates. Every day, my office staff has followed up
8 with these witnesses, and they have, indeed, been able to schedule
9 several of the depositions each day. I am attaching two letters
10 I wrote to Mr. Rosenow, dated February 8 and February 13, 1989,
11 which confirm the scheduling of six depositions and which indicate
12 that we intend to withdraw two witnesses on behalf of Plaintiff
13 Sandy Ehrlich. I am sure that the remaining depositions will be
14 scheduled well in advance of any notice deadlines before the
15 proposed dates in March.

16 Specifically, with regard to Drs. Singer and Enroth, they have
17 indicated that they are not available on any of the dates proposed
18 by Mr. Rosenow. Due to their having to travel here from
19 California and the fact that they will be deposed for all the
20 plaintiffs in this consolidated action, they have indicated a
21 preference for their depositions to be taken on a weekend. None
22 of the dates provided by Mr. Rosenow comply with this request for
23 a weekend deposition. I am attaching my letter to Mr. Rosenow,
24 dated February 13, 1989, which explains this information.
25 Accordingly, I must wait for Mr. Rosenow to propose additional
26 available dates for the depositions of Drs. Singer and Enroth.

27
28 DECLARATION OF ANN J. DURHAM - 4

LAW OFFICES OF
ADLER GIERSCH, P.S.
SUITE 600
401 SECOND AVE. S.
SEATTLE, WA 98104
(206) 682-0300

1 I anticipate that every witness listed will be available for
2 deposition in a timely fashion. Consequently, I believe that
3 Defendant Alskog's request for this Court to strike the trial date
4 should be denied, as there is no foundation for it. The
5 plaintiffs in this action have always been available for their
6 depositions, as have the witnesses listed on their behalf. The
7 only delays we have experienced in scheduling the depositions in
8 this case have been caused by the defense attorneys who claim to
9 be unavailable or who claim that their clients are unavailable.
10 This request to strike the trial date is another type of delay
11 tactic by the defendants in this litigation. On behalf of the
12 plaintiffs in this case, I have made continual efforts to get the
13 cooperation of the other attorneys to schedule depositions to
14 accommodate everyone's schedule. I am attaching a letter dated
15 February 10, 1989, addressed to Rodney Hollenbeck, which proposes
16 available dates for the depositions of defense witnesses. Thus
17 far, I have resisted bringing a motion to compel the depositions
18 of parties and witnesses. I hope that everyone will cooperate in
19 order to meet the discovery deadlines.

20 Again, I repeat that Plaintiffs Ehrlich's, et al., lay and
21 expert witness are all available for their depositions to be taken
22 in a timely fashion according to the pre-trial order.

23 DATED this 14th day of February, 1989.

24
25 
26 _____
Ann J. Durham

27
28 DECLARATION OF ANN J. DURHAM - 5

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ADLER GIERSCH, P.S.
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SEATTLE, WA 98104
(206) 682-0300

FILED
1989 FEB 16 CIVIL TRACK ONE
THE HONORABLE JOHN RILEY

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

AMERICAN CASUALTY COMPANY OF)
READING PENNSYLVANIA, a)
Pennsylvania corporation,)

Plaintiff,)

v.)

KATHY LEE BUTLER, et al,)

Defendants.)

CAUSE No. 88-2-04615-8

CONSOLIDATED TRACK ONE
CAUSE NO. ~~88-2-18176-8~~

CERTIFICATE OF SERVICE

KATHY LEE BUTLER, et al.,)

Plaintiffs,)

v.)

DONALD LEE BARNETT, et al.,)

Defendants.)

CAUSE NO. 86-2-18176-8

SANDY ERLICH, et al.,)

Plaintiffs,)

v.)

RALPH ALSKOG, et al.,)

Defendants.)

CAUSE NO. 86-2-18429-5

CERTIFICATE OF SERVICES - 1
0537BAW

ORIGINAL

2/1
LANE POWELL MOSS & MILLER
3800 RAINIER BANK TOWER
SEATTLE, WASHINGTON 98101-2647
223-7000

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MAUREEN PANGBORNE JORGENSON,
Plaintiff,
v.
COMMUNITY CHAPEL AND BIBLE
TRAINING CENTER, et al.,
Defendants.

CAUSE NO. 86-2-26360-8

This is to certify that a copy of the foregoing Note for Motion Calendar and Demand for Twelve Member Jury was served this 15th day of February, 1989, by placing copies thereof in postage prepaid envelopes and mailing the same or by hand delivery, ad indicated to the following:

See Attached Service List


Rhonda Seiber

Service List

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Jeff Campiche
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Telephone: (206) 386-5555
Attorney for Defendant Barnett

Michael J. Bond
Lee, Smart, Cook, Martin & Patterson
800 Washington Building
1325 Fourth Avenue
Seattle, WA 98101
Telephone: (206) 624-7990
Attorney for Community Chapel
& Bible Training Center

Anf J. Durham
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Chabot & Kitchell

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John B. Gleason
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Waco, TX 76702
Telephone: (817) 873-2746
Attorney for Defendant Community Chapel
& Bible Training Center

On this day, 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 February, 1989 at Tacoma, Washington.

Mary Ellen Ray

CIVIL TRACK I

The Honorable John Riley

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.)

(Consolidated)

NO. 86-2-18176-8

AFFIDAVIT OF MARILYN W. SCHULTHEIS

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.)

AFFIDAVIT OF MARILYN W. SCHULTHEIS -1-
MWS/mer:10

FILED
FEB 17 9 16 AM '89
MARILYN W. SCHULTHEIS
SUPERIOR COURT CLERK
SEATTLE, WA

ROSENOW, HALE & JOHNSON
LAWYERS
SUITE 301 TACOMA MALL OFFICE BUILDING
TACOMA, WASHINGTON 98409
(206) 473-0725

262

1

2 AMERICAN CASUALTY COMPANY OF)
3 READING PENNSYLVANIA, a)
4 Pennsylvania corporation,)

5 Plaintiff,)

6 vs.)

7 KATHY LEE BUTLER, et al.,)

8 Defendants.)

9 ST. PAUL FIRE AND MARINE INSURANCE)
10 COMPANY, a foreign corporation,)

11 Plaintiff,)

12 vs.)

13 KATHY LEE BUTLER, et al.,)

14 Deendants.)

15 STATE OF WASHINGTON)
16 : ss.
17 County of Pierce)

18 I, MARILYN W. SCHULTHEIS, being first duly sworn upon
19 oath, depose and state:

20 That I am one of the attorneys for Defendants Ralph and
21 Rosemary Alskog in the above-referenced matter.

22 That I spoke with Ann Durham, attorney for plaintiff,
23 Sandy Ehrlich, on January 9, 1989, about scheduling her experts'
24 depositions. She advised me in that telephone conversation that if
25 the Motion to Exclude Ronald Enroth, Ph.D. and Margaret Singer,

26 AFFIDAVIT OF MARILYN W.
SCHULTHEIS -2-
MWS/mer:10

ROSENOW, HALE & JOHNSON
LAWYERS
SUITE 301 TACOMA MALL OFFICE BUILDING
TACOMA, WASHINGTON 98409
(206) 473-0725

1 Ph.D. was denied, she would make both experts available even though
2 the depositions of the parties and lay witnesses were not yet
3 completed. A copy of the letter confirming our telephone conver-
4 sation is attached hereto as Exhibit "A".

5 FURTHER YOUR AFFIANT SAYETH NAUGHT.

6 Marilyn W. Schulteis
7 MARILYN W. SCHULTHEIS

8 SUBSCRIBED AND SWORN to before me this 16th day of
9 February, 1989.

10 Mary Ellen Ray
11 NOTARY PUBLIC in and for the State of
12 Washington, residing at Tacoma

13 My Commission Expires: 6/20/90

14
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26 AFFIDAVIT OF MARILYN W.
SCHULTHEIS -3-
MWS/mer:10

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26 SCHULTHEIS -4-
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& ASSOCIATES
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14 Bellevue, Washington 98004
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16 Mr. John S. Glassman
Attorney at Law
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625 Commerce St.
17 Tacoma, Washington 98402
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19 Mr. E. Scott Hartley
18635 Eighth Avenue So.
Seattle, Washington 98148
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21 Donald and Christine Hall
P.O. Box 168
Big Fork, Montana 59911
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24
25

26 AFFIDAVIT OF MARILYN W.
SCHULTHEIS -5-
MWS/mer:10

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ROSENOW, HALE & JOHNSON
LAWYERS

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JEFFREY F. HALE
A. CLARKE JOHNSON
JOHN C. GRAFFE
WAYNE VAVRICHEK
CHRISTOPHER W. KEAY
PATRICIA I. MCCOTTER
MARILYN W. SCHULTHEIS

LAWRENCE D. SILVERNALE
OF COUNSEL

SUITE 301
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TACOMA, WASHINGTON 98409
TELEPHONE (206) 473-0725
FROM SEATTLE 838-1767

1620 KEY TOWER
1000 SECOND AVENUE
SEATTLE, WASHINGTON 98104
TELEPHONE (206) 223-4770

REPLY TO: Tacoma Office

January 9, 1989

Ms. Ann J. Durham
LAW OFFICES OF
ADLER GIERSCH, P.S.
Suite 600
401 Second Avenue South
Seattle, Washington 98104

Re: Butler, et al./Erhlich, et al. v.
Community Chapel & Bible Training Center,
et al.

Dear Ms. Durham:

This letter confirms our telephone conversation on January 9, 1989, in which you advised me that the depositions of Jerry Yates, M.D., Philip Lindsay, M.D. and Pastor George Page can be taken anytime, and those individuals will be made available even though the depositions of the parties and the lay witnesses have not been completed. This is with the understanding that we may need to take two depositions of Dr. Lindsay, if he has not had the opportunity to review all the material he has requested of you by the date of his first deposition.

This also confirms that you will make the lay witnesses available for deposition anytime after February 6, 1989.

Finally, this letter confirms that Ronald Enroth, Ph.D. and Margaret Singer, Ph.D., will be made available for their depositions after February 13, 1989, pending the outcome of Michael Bond and Rod Hollenbeck's motion to exclude their testimony at trial. It is my understanding from our telephone conversation today that if the motion to exclude their testimony is denied, you will make Dr. Enroth and Dr. Singer available for depositions even though the depositions of the parties and lay witnesses have not been completed. You also advised me that their depositions will need to be coordinated with the other parties as they will be testifying for other plaintiffs as well.

EXHIBIT "A"

Ms. Ann J. Durham
January 9, 1989
Page Two

Re: Butler, et al./Ehrlich, et al. v. Community
Chapel & Bible Training Center, et al.

Obviously, if any experts change their opinions or acquire additional opinions after their depositions have been taken, you will timely advise all parties as required by the court rules.

Thank you for your attention to this matter.

Very truly yours,

ROSENOW, HALE & JOHNSON

Marilyn Schultheis
Marilyn W. Schultheis

MWS/mer

cc: All Counsel
George Kargianis/Jeff Campiche
Rod D. Hollenbeck
Donald Hall, Pro se
Michael J. Bond
John L. Messina
Pauline V. Smetka
Michael W. Bugni
Susan Delanty Jones
Bruce Winchell
Don M. Gulliford
John S. Glassman

SUB: 263

**NOT AVAILABLE
AT TIME OF
FILMING. SEE
COMPUTER
INDEX FOR
FURTHER
POSSIBLE
INFORMATION.**

1 FILED

CIVIL TRACK I
THE HONORABLE JOHN RILEY

2
3 ~~Feb 17 4 41 PM '89~~
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

4 SUPERIOR COURT CLERK

5 AMERICAN CASUALTY AND INDEMNITY COMPANY OF)
6 READING PENNSYLVANIA, a)
7 Pennsylvania corporation,)

8 Plaintiff,)

9 v.)

10 KATHY LEE BUTLER, et al.,)

11 Defendants.)

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

14 Plaintiffs,)

15 v.)

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

18 Defendants.)

19 SANDY EHRLICH, et al.,)

20 Plaintiffs,)

21 v.)

22 RALPH ALSKOG, et al.)

23 Defendants.)

24 MAUREEN PANGBORNE JORGENSEN,)

25 Plaintiff,)

26 v.)

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

Defendants.)

No. 88-2-04615-8

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

NOTICE OF DEPOSITION UPON
ORAL EXAMINATION

No. 86-2-18176-8

No. 86-2-18429-5

No. 86-2-26360-8

NOTICE OF DEPOSITION - 1

264
BE
LAW OFFICES OF
ADLER GIERSCH, P.S.
SUITE 600
401 SECOND AVE. S.
SEATTLE, WA 98104
(206) 682-0300

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ST. PAUL FIRE AND MARINE)
INSURANCE COMPANY, a foreign)
corporation,)
Plaintiff,)
v.)
KATHY LEE BUTLER, et al.,)
Defendants.)

No. 88-2-18321-0

TO: ALL PARTIES; and
TO: THEIR RESPECTIVE COUNSEL:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the testimony of Donald Barnett will be taken upon Oral Examination at the instance and request of the Plaintiff in the above-entitled and numbered action, before a Notary Public at 3100 Columbia Center, 701 Fifth Avenue, in Seattle, Washington, on Monday and Tuesday, the 6th and 7th days of March, 1989, at the hour of 9:30 a.m., the said Oral Examination to be subject to continuance or adjournment from time to time or place to place until completed, and to be taken on the ground and for the reason the said witness will give evidence material to the establishment of the Plaintiff's case.

DATED this 17th day of February, 1989.

ADLER GIERSCH, P.S.

BY: Ann Durham /s/
Ann J. Durham by Jean Seeley
Attorney for Plaintiff



FILED

CIVIL TRACK I
THE HONORABLE JOHN RILEY

Feb 17 4 43 PM '89

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

SUPERIOR COURT CLERK
SEATTLE, WASHINGTON

AMERICAN CASUALTY COMPANY OF)
READING PENNSYLVANIA, a)
Pennsylvania corporation,)

Plaintiff,)

v.)

KATHY LEE BUTLER, et al.,)

Defendants.)

No. 88-2-04615-8

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

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

Plaintiffs,)

v.)

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

Defendants.)

NOTICE OF DEPOSITION UPON
ORAL EXAMINATION

No. 86-2-18176-8

SANDY EHRLICH, et al.,)

Plaintiffs,)

v.)

RALPH ALSKOG, et al.)

Defendants.)

No. 86-2-18429-5

MAUREEN PANGBORNE JORGENSEN,)

Plaintiff,)

v.)

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

Defendants.)

No. 86-2-26360-8

NOTICE OF DEPOSITION - 1

265
BE

LAW OFFICES OF
ADLER GIERSCH, P.S.
SUITE 600
401 SECOND AVE. S.
SEATTLE, WA 98104
(206) 682-0300



1
2 ST. PAUL FIRE AND MARINE)
3 INSURANCE COMPANY, a foreign)
4 corporation,)
5 Plaintiff,)
6 v.)
7 KATHY LEE BUTLER, et al.,)
8 Defendants.)

No. 88-2-18321-0

9 TO: ALL PARTIES; and
10 TO: THEIR RESPECTIVE COUNSEL:

11 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the
12 testimony of Donald Barnett will be taken upon Oral Examination
13 at the instance and request of the Plaintiff in the above-entitled
14 and numbered action, before a Notary Public at 5400 Columbia
15 Center, 701 Fifth Avenue, in Seattle, Washington, on Thursday and
16 Friday, the 2nd and 3rd days of March, 1989, at the hour of 9:30
17 a.m., the said Oral Examination to be subject to continuance or
18 adjournment from time to time or place to place until completed,
19 and to be taken on the ground and for the reason the said witness
20 will give evidence material to the establishment of the
21 Plaintiff's case.

22 DATED this 17th day of February, 1989.

23 ADLER GIERSCH, P.S.

24 BY: Ann Durham / js
25 Ann J. Durham by Jean Seeley
26 Attorney for Plaintiff

FILED

CIVIL TRACK ONE
FEB 22 1 32 PM '88 THE HONORABLE JOHN RILEY

SUPERIOR COURT CLERK
SEATTLE, WA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

AMERICAN CASUALTY COMPANY OF
READING PENNSYLVANIA, a
Pennsylvania corporation,

Plaintiff,

v.

KATHY LEE BUTLER, et al.,

Defendants.

CAUSE No. 88-2-04615-8

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

MOTION FOR TRIAL DATE

KATHY LEE BUTLER, et al.,

Plaintiffs,

v.

DONALD LEE BARNETT, et al.,

Defendants.

CAUSE NO. 86-2-18176-8

SANDY ERLICH, et al.,

Plaintiffs,

v.

RALPH ALSKOG, et al.,

Defendants.

CAUSE NO. 86-2-18429-5

MOTION FOR TRIAL DATE - 1
0526BAW

ORIGINAL

LANE POWELL MOSS & MILLER
3800 RAINIER BANK TOWER
SEATTLE, WASHINGTON 98101-2647
223 7000

265.5
DH

1 MAUREEN PANGBORNE JORGENSON,)
2)
3 Plaintiff,)

CAUSE NO. 86-2-26360-8

4 v.)

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

7 Defendants.)
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I.

RELIEF REQUESTED

An order setting trial of coverage issues relating to each underlying action for trial immediately following the underlying action to the same jury which heard that case.

II.

STATEMENT OF FACTS

As the Court knows, it has proposed that the claims asserted by Maureen Jorgensen, the Erlich plaintiffs, and the Butler plaintiffs, be set for trial in May and June, 1989. The Court has previously consolidated for purposes of discovery related coverage actions brought by American Casualty and St. Paul Fire & Marine. American Casualty is presently defending the underlying actions under a reservation of rights.

With the exception of the Jorgensen claim, most of the claims asserted against Community Chapel and its employees involve approximately a dozen causes of action. Damages are sought for a variety of harms which are claimed to have

MOTION FOR TRIAL DATE - 2
0526BAW

1 befallen plaintiffs in the underlying actions. Following trial
2 of the underlying actions, if there is a verdict in favor of
3 the plaintiffs in the underlying actions, the Court and jury in
4 the coverage actions will be faced with the task of determining
5 whether the judgment entered in favor of the plaintiffs was for
6 damages covered under either American's or St. Paul's policy.
7 Of particular importance in assessing coverage issues with
8 respect to American Casualty will be the questions of whether
9 the jury awarded damages for:

- 10 1. Bodily injury;
- 11 2. Resulting from an occurrence--an accident resulting in
12 unexpected harm; and
- 13 3. Whether any damages awarded for defamation resulted
14 from statements which were known to be false by the
speaker.

15 In related litigation presently pending in Pierce County,
16 American Casualty sought to intervene so that it could propose
17 jury instructions and a verdict form which would assist in
18 resolving similar coverage questions. That motion to intervene
19 was resisted by all parties to the underlying litigation. As a
20 result, the judgment entered in favor of Carol Gabrielson does
21 not answer any of the questions which are relevant to
22 coverage. Consequently, the Pierce County Court is now faced
23 with the nearly impossible task of ascertaining what a jury in
24 another courtroom awarded damages for in the underlying
25 action. American Casualty has demanded a jury to hear issues
26

MOTION FOR TRIAL DATE - 3
0526BAW

1 relevant to coverage. The parties will essentially retry the
2 five-week Gabrielson trial. That trial, to a large extent,
3 could have been avoided had some mechanism been devised to have
4 the Gabrielson jury answer the questions necessary to the
5 coverage action.

6 American Casualty proposes that coverage issues be tried to
7 the same jury which will hear the underlying action. It
8 further proposes that that trial immediately follow trial of
9 the underlying action. It may be necessary to briefly examine
10 witnesses on issues which were not brought out in the
11 underlying action but which are relevant to coverage. American
12 Casualty is entitled to litigate in its own right such issues.

13 Wear v. Farmers Insurance, 49 Wn.App. 655, 745 P.2d 526
14 (1987). Counsel for the parties to the coverage actions will
15 be able to argue the coverage issues to the twelve individuals
16 who truly know what the basis for their verdict was. Jury
17 instructions and a verdict form can then be tailored to answer
18 the questions necessary to resolve those coverage issues.

19 American's proposed method of handling these issues is both
20 practical and economical. The Court will avoid having to
21 impanel a new jury and having to retry the cases which have
22 already been heard once by a separate jury. What may have been
23 a five-week trial may be shortened to two to three days.

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MOTION FOR TRIAL DATE - 4
0526BAW

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III.

STATEMENT OF ISSUES

Should the Court order that trial of the coverage actions follow trial in the underlying actions and be tried to the same jury that heard those underlying actions?

IV.

AUTHORITY

Civil Rule 42, Consolidation; Separate Trials:

(a) Consolidation. When actions involving a common question of law or fact are pending before the Court, it may order a joint hearing or trial of any or all the matters at issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

(b) Separate Trials. The Court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any claim, cross-claim, counterclaim, or third-party claim, or any separate issue of any number of claims, cross-claims, counterclaims, third-party claims, or issues, always preserving inviolate the right of trial by jury.

The proposed procedure protects the rights of both the insurance companies and the litigants in the underlying actions to a jury trial. It also preserves the defendants' rights in the underlying actions to have a trial which is free of any influence that a jury's knowledge of potential coverage could have on its award of damages. The jury hearing the underlying actions would have no knowledge of the existence of the subject insurance policies or the precise issues concerning the

MOTION FOR TRIAL DATE - 5
0526BAW

1 disputes about that coverage until the conclusion of the
2 underlying actions. Counsel for American Casualty is prepared
3 to forego the right which it would otherwise have to
4 participate in jury selection. Counsel for American Casualty
5 will not participate in any visible way in the underlying
6 action. At this time, the only procedural protection which
7 American Casualty anticipates requesting would be that
8 witnesses which it may wish to examine in the coverage action
9 not be excused following the completion of their testimony in
10 the underlying action until such time as American Casualty has
11 had an opportunity to indicate to the Court, outside of the
12 presence of the jury, whether it will wish to examine that
13 witness in the coverage action.

14 DATED this 21st day of February, 1989.

15 LANE POWELL MOSS & MILLER

16
17 By 

18 Bruce Winchell

19 Attorneys for Plaintiff
20 American Casualty Company
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0526BAW

LANE POWELL MOSS & MILLER
3900 RAINIER BANK TOWER
SEATTLE, WASHINGTON 98101-2647
201 7000

SCOMIS code:

PREHRG DISPHRG HEARING
 POSTHRG MINUTE STTL CNF

Department No. 25

Date: February 23, 1989

Page 1 of 2

88-2-18321-0
88-2-04615-8
86-2-26360-8
86-2-18429-5
86-2-18176-8 consolidated
87-2-14919-6

JUDGE: John W. Riley
BAILIFF: Beth Custer
COURT CLERK: Melissa Keating
REPORTER: Dorothy Stiles

King County Cause No.

Case Caption

Kathy Lee Butler et al vs. Donald Barnett et al

Litigants and Attorneys:

Bruce Winchell for Plaintiff American Casualty, Mark Honeywell for Plaintiff Peterson
Jack Rosenow for Defendant Alskog, Anthony Shapiro for Defendant CCBTC,
Robert Roban for Defendant CCBTC, Andrew Bergh for Defendant Snoey, Susan Jones
for Plaintiff Jorgensen, Alvin Mayhew for Defendant Keen, Rodney Hollenbeck for Defendant
Howerton, Pauline Smetka for Defendant Alskog, Michael Bugni and Keith Bolton for Defendant
Howerton, Don Gulliford for Plaintiff St. Paul Fire and Marine, John Glassman for Defendant
CCBTC, Ann Durham and John Messing for Plaintiff Ehrlich, Arthur Eggers for Plaintiff
Butler

Minute Entry

Pre-Trial Hearing

The Court signs Agreed Order regarding
Jorgensen's motion to disqualify.

Defendants Alskog/Howerton motion for separate
trial. The Court reserves ruling.

Defendant Alskog motion to strike trial
date. The Court reserves ruling.

Respective Counsel and the Court discuss
scheduling.

sub #

266
714

Sept. 25

Minute Entry

Plaintiff St. Paul Fire and Marine motion to consolidate Peterson vs. Butler for pre-trial. The Court grants the motion and signs order approving consolidation of the additional Peterson litigation.

Plaintiff St. Paul Fire and Marine motion to consolidate kept. This cause continued to March 17, 1989 at 1:30 p.m.

The Court signs Pre-trial Order #3 and Orders that Plaintiffs must submit Statement of contentions by March 27, 1989. The Defendants shall submit contentions by April 3, 1989.

The discussion of proposed Pre-Trial Order #4 shall be continued to March 17, 1989 at 1:30 p.m.

Respective Counsel and the Court discuss medical examination of Plaintiff Jorgensen.

Pre-Trial Hearing set for March 17, 1989 at 1:30 p.m.

X

X

X

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SEATTLE, WA

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EVANS, CRAVEN & LACKIE, P.S.

CIVIL TRACK ONE
THE HONORABLE JOHN W. RILEY

IN THE SUPERIOR COURT OF THE STATE 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.)

BARNETTS' INTERROGATORIES
TO JORGENSEN

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

DEFENDANTS BARNETTS'
INTERROGATORIES TO PLAINTIFF
MAUREEN JORGENSEN
AND RESPONSES

Evans, Craven & Lackie

LAW

SUITE 3100 COLUMBIA CENTER 701
SEATTLE WASHINGTON

(206) 386-5555

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FILED

Civil Track I
The Honorable John Riley

FEB 24 10 24 AM '89

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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,)

Consolidated
No. 86-2-18176-8 ✓

v.)

No. 86-2-18176-8

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

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BY MAIL

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

No. 86-2-18429-5

v.)

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

MAUREEN P. JORGENSEN,)
Plaintiff,)

No. 86-2-26360-8

v.)

COMMUNITY CHAPEL AND BIBLE)

AFFIDAVIT OF SERVICE
BY MAIL - 1

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

267

1 TRAINING CENTER, et al.,)
2 Defendants.)

3 AMERICAN CASUALTY COMPANY OF)
4 READING PENNSYLVANIA, a)
5 Pennsylvania corporation,)
6 Plaintiff,)

7 v.)

No. 88-2-04615-8

8 KATHY LEE BUTLER, et al.,)
9 Defendants.)

10 ST. PAUL FIRE AND MARINE)
11 INSURANCE COMPANY, a foreign)
12 corporation,)
13 Plaintiff,)

14 v.)

No. 88-2-18321-0

15 KATHY LEE BUTLER, et al.,)
16 Defendants.)

17 STATE OF WASHINGTON)
18 : ss.
19 COUNTY OF KING)

20 I, Kelly A. Thomas, duly sworn on oath deposes and says:

21 That I am a citizen of the United States and a resident of
22 the State of Washington, over the age of twenty-one years and
23 not a party to this action; that on the 23rd day of February,
24 1989, I caused a copy of the following:

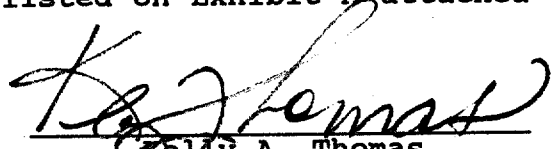
25 1. Defendants Barnetts' Interrogatories to Plaintiff
26 Maureen Jorgensen And Responses, to be deposited in the United

AFFIDAVIT OF SERVICE
BY MAIL - 2

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

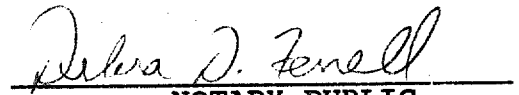
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States Mail in an envelope with first class postage prepaid,
addressed to each of the parties listed on Exhibit A attached
hereto.



Kelly A. Thomas

SIGNED AND SWORN to before me this 23rd day of February,
1989, by Kelly A. Thomas.



NOTARY PUBLIC
My Commission Expires: 3-3-90

AFFIDAVIT OF SERVICE
BY MAIL - 3

LAW OFFICES OF
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3400 COLUMBIA SEAFIRST CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7011
(206) 623-7580

EXHIBIT A

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Robert Rohan, and
J. Ronald Sims
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Molly McCarty, Legal Assistant
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Kitchell

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Attorney for Defendants Alskog

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701 Fifth Avenue
Seattle, WA 98104
Attorney for Defendants Barnett

AFFIDAVIT OF SERVICE
BY MAIL - 4

12P.05L

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9 3800 Rainier Tower
10 1301 Fifth Avenue
11 Seattle, WA 98101
12 Attorney for American Casualty
13 Company

14 Don M. Gulliford, Esquire
15 Don M. Gulliford & Associates
16 2200 - 112th Avenue Northeast, #200
17 Bellevue, WA 98004
18 Attorney for Plaintiff
19 St. Paul Fire and Marine
20 Insurance Company

21 Pauline V. Smetka, Esquire
22 Helsell, Fetterman, Martin,
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25 P. O. Box 21846
26 Seattle, WA 98111
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Moren, Cornell & Hansen
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George Kargianis, Esquire
Jeff Campiche, Esquire
Kargianis, Austin & Erickson
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Butler, Lien, Brown, Fellhauer

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BY MAIL - 5

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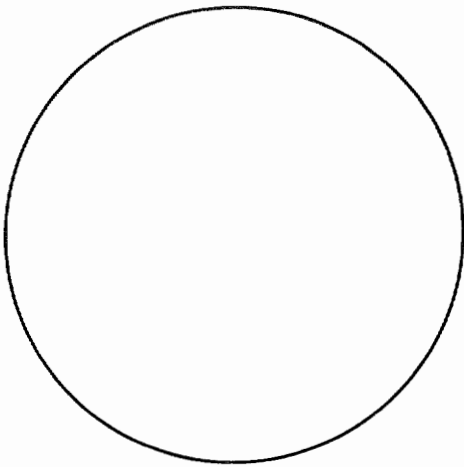
John S. Glassman
Attorney at Law
420 Old City Hall
625 Commerce Street
Tacoma, WA 98402
Attorney for Defendant
Community Chapel and
Bible Training Center

Donald Hall
P. O. Box 168
Big Fork, Montana 59911
Pro Se - Plaintiff

Carl A. Peterson
710 Cedar Street
Muscatine, Iowa 52761
Pro Se - Plaintiff

AFFIDAVIT OF SERVICE
BY MAIL - 6

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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POINT SIZE

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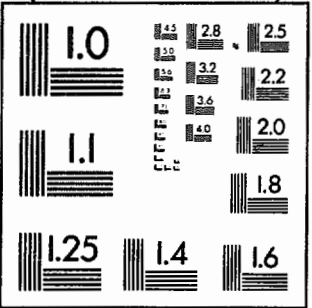
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SERIF (BASKERVILLE) SIZE SANS SERIF (MICROFONT)

PRECISIONSM RESOLUTION TARGETS



1303 Geneva Avenue
St. Paul, MN 55119

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MICROFILM CERTIFICATE

COUNTY OF KING

STATE OF WASHINGTON

THE PAPERS AND DOCUMENTS APPEARING ON THIS ROLL OF FILM WERE PHOTOGRAPHED BY YOUR AFFIANT AND THAT SAID PAPERS AND DOCUMENTS ARE TRUE AND CORRECT COPIES OF THE ORIGINALS THEREOF AS THE SAME APPEARED ON RECORD IN THE CUSTODY OF THE KING COUNTY CLERK. THE MICROFILMING OF THE PAPERS AND DOCUMENTS AS AFORESAID WAS DONE IN THE PURSUANCE OF, AND IN CONFORMANCE WITH PROVISIONS OF THE STATUTES IN THESE CASES MADE AND PROVIDED FOR AS THEY APPEAR IN TITLE 40, OF THE REVISED CODE OF WASHINGTON.

I, THE UNDERSIGNED, DO CERTIFY, UNDER PENALTY OF PERJURY, THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.

Wilma J. Jones 4-25-94
SIGNATURE DATE

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