

1 EXPEDITE
2 No hearing is set
3 Hearing is set
4 Date: February 23, 2012
5 Time: 9:00 a.m.
6 Judge/Calendar: Hon. Thomas McPhee

7 SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

8 KENT L. and LINDA DAVIS; JEFFREY
9 and SUSAN TRININ; and SUSAN
10 MAYER, derivatively on behalf of
11 OLYMPIA FOOD COOPERATIVE,

12 Plaintiffs,

13 v.

14 GRACE COX; ROCHELLE GAUSE;
15 ERIN GENIA; T.J. JOHNSON; JAYNE
16 KASZYNSKI; JACKIE KRZYZEK;
17 JESSICA LAING; RON LAVIGNE;
18 HARRY LEVINE; ERIC MAPES; JOHN
19 NASON; JOHN REGAN; ROB
20 RICHARDS; SUZANNE SHAFER; JULIA
21 SOKOLOFF; and JOELLEN REINECK
22 WILHELM,

23 Defendants.

No. 11-2-01925-7

DECLARATION OF ROBERT M.
SULKIN IN SUPPORT OF
PLAINTIFFS' CROSS-MOTION
FOR DISCOVERY

19 I, ROBERT M. SULKIN, declare under penalty of perjury of the laws of the State
20 of Washington that the following statements are true and correct and based on personal
21 knowledge.

22 1. I am one of the attorneys for plaintiffs in the above-captioned matter and
23 am competent to testify to the matters set forth herein.

24 2. I am the primary attorney representing plaintiffs in this action. When the
25 complaint was filed, I also served discovery requests on defendants.

26 COPY

DECLARATION OF ROBERT M. SULKIN IN SUPPORT OF
PLAINTIFFS' CROSS-MOTION FOR DISCOVERY – Page 1

LAW OFFICES OF
MCNAUL EBEL NAWROT & HELGREN PLLC
600 University Street, Suite 2700
Seattle, Washington 98101-3143
(206) 467-1816

1 3. Shortly thereafter, I received a telephone call from Bruce Johnson who told
2 me he was representing the defendants. He also told me that he intended to file a motion
3 to dismiss under the anti-SLAPP statute. We discussed the fact that under the statute,
4 defendants did not have an obligation to answer the discovery propounded on defendants
5 and served with the complaint. Consistent with the statute, I agreed that he did not have to
6 respond to these discovery requests.

7 4. However, I never agreed, nor did Mr. Johnson ask me to agree, to not seek
8 discovery under the separate provision under the statute permitting specific discovery.
9 Indeed, when we had this conversation, I had no idea what arguments defendants would
10 make under the anti-SLAPP statute.

11 5. I have known Mr. Johnson for many years and hold him in high regard.
12 However, at no time did I agree to suspend my clients' right to discovery under the
13 statute.

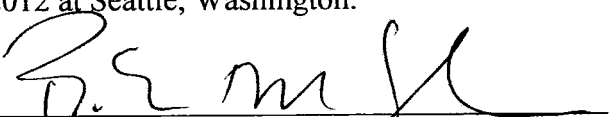
14 6. Attached hereto and incorporated by referenced in Plaintiffs' Reply in
15 Support of Cross-Motion on Discovery are true and correct copies of the following:

- 16 Exhibit A: Boycott Policy, approved May 1993;
17 Exhibit B: Article, Protestors Rebuffed in Call For TIA-CREFF Anti-
18 Settlement Boycott, by Steven Ain, published on *The Jewish*
 Week (<http://www.thejewishweek.com>), July 20, 2011;
19 Exhibit C: Board Meeting Minutes, July 15, 2010;
20 Exhibit D: Board Meeting Minutes, August 19, 2010;
21 Exhibit E: Board Meeting Minutes, September 16, 2010;
22 Exhibit F: Board Meeting Minutes, October 2, 2010;
23 Exhibit G: Board Meeting Minutes, November 8, 2010;
24 Exhibit H: Board Meeting Minutes, December 16, 2010;
25 Exhibit I: Board Meeting Minutes, March 17, 2011;
26 Exhibit J: Board Meeting Minutes, April 21, 2011;

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- Exhibit K: Board Meeting Minutes, June 16, 2011;
- Exhibit L: Board Meeting Minutes, July 21, 2011;
- Exhibit M: Board Meeting Minutes, August 18, 2011;
- Exhibit N: Board Meeting Minutes, November 17, 2011;
- Exhibit O: Board minutes, July 28, 1992;
- Exhibit P: Board Meeting Minutes, March 18, 2010; and
- Exhibit Q: Board Meeting Minutes, April 15, 2010.

DATED this 22nd day of February 2012 at Seattle, Washington.

By: 
Robert M. Sulkin, WSBA No. 15425