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1					
2	□ No hearing set				-
:	Hearing is set	•			-
3	Date: February 2, 2012			•	
4	Time: <u>9:00am</u>				•
5	Judge/Calendar: <u>Hon. Thomas</u>				
6	McPhee				
7				· ·	
8		• • •			
.9					
10					
11	SUPERIOR COURT OF THURS	THE STA STON CC		INGTON	.*
12					
KENT L. and LINDA DAVIS; JEFFREY and) SUSAN TRININ; and SUSAN MAYER,)					
14	derivatively on behalf of OLYMPIA FOOD COOPERATIVE,))	Case No. 11-2	2-01925-7	
				CE E.H.	
) JOHNSON IN SUPPOR			N SUPPORT	OF	
16)		' CROSS-MO	
17	GRACE COX; ROCHELLE GAUSE; ERI GENIA; T.J. JOHNSON; JAYNE KASZYI	NSKI;)	DISCOVERI	•	
18	JACKIE KRZYZEK; JESSICA LAING; R LAVIGNE; HARRY LEVINE; ERIC MAR		· .		
19	JOHN NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA)		÷	
20	SOKOLOFF; and JOELLEN REINECK WILHELM,	ý			·
21		ý			
22	Defendants.				
23					
24	I, Bruce E.H. Johnson, am over the	-			l have
	personal knowledge of all the facts stated h	erein. I d	leclare as follow	/s:	
25	1. I am a partner at the law firm	n Davis V	Vright Tremaine	LLP, which	represents
26	Defendants in this case.				
27					
	DECLARATION OF BRUCE E.H. JOHNS DWT 18826629v2 0200353-000001	SON - 1		Davis Wright Ti LAW OFF Suite 2200 · 1201 J Seattle, Washingtor (206) 622-3150 · Fay	ICES Chird Avenue 1 98101-3045

2. Attached hereto as Exhibit A is a true and correct copy of a letter dated May 31, 2011, which counsel for Plaintiffs sent to 15 past and present board members of the Co-op insisting that the Co-op rescind its boycott of Israeli products. The letter closed by threatening to "bring legal action against you, and this process will become considerably more complicated, burdensome, and expensive than it has already."

3. Attached hereto as Exhibit B are true and correct copies of 13-page discovery requests that Plaintiffs served, along with their complaint and summons, upon each of the 16 defendants.

4. Attached hereto as Exhibit C are true and correct copies of 16 notices of videotaped depositions—one for every named defendant—dated September 30, 2011.

5. Due to the large volume of discovery requested by Plaintiffs at the outset of this case, and pursuant to RCW 4.24.525(5)(c), I called Plaintiffs' counsel Robert Sulkin on the telephone to request a discovery stay. On October 3, 2011, during our telephone conversation, Mr. Sulkin and I agreed to stay discovery until the Court decided the anti-SLAPP motion.

6. The following day, I sent Mr. Sulkin an email confirming our agreement to stay discovery until resolution of the anti-SLAPP motion. He responded: "We are on the same page." Accordingly, Plaintiffs agreed to stay discovery until resolution of the anti-SLAPP motion. As a result of our agreement, the sixteen videotaped depositions did not take place and none of the Defendants were required to respond to any of the extensive discovery requests served upon them at the outset of the lawsuit.

7. Attached hereto as Exhibit D is a true and correct copy of an email chain, dated October 4, 2011, reflecting the agreement between myself and counsel for Plaintiffs, Robert Sulkin, that the parties would stay all discovery in this case until the anti-SLAPP motion is resolved.

8. On November 1, 2011, I spoke again with Mr. Sulkin. Defendants were about to serve and file their anti-SLAPP motion, and so Mr. Sulkin and I were discussing an appropriate

DECLARATION OF BRUCE E.H. JOHNSON - 2 DWT 18826629v2 0200353-000001 Davis Wright Tremaine LLP LAW OFFICES Suite 2200 - 1201 Third Avenue Scattle, Washington 98101-3045 (206) 622-3150 - Fax: (206) 757-7700

oral argument hearing date for that motion in accordance with our agreement. At that time, Mr. Sulkin mentioned that in response to the anti-SLAPP motion, the Plaintiffs might file a cross-motion seeking discovery, which is a remedy available to them under RCW 4.24.525(5)(c). Other than that suggestion and until we received the Plaintiffs' cross-motion for discovery on December 1, 2011, Plaintiffs' counsel never contacted me with any request to modify their prior agreement staying discovery with Defendants.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and belief.

Executed at Seattle, Washington this 11th day of Japaary, 2012.

Bruce E.H. Johnson

DECLARATION OF BRUCE E.H. JOHNSON - 3 DWT 18826629v2 0200353-000001

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Davis Wright Tremaine LLP LAW OFFICES Suite 2200 • 1201 Third Avenue Seattle, Washington 98101-3045 (206) 622-3150 • Fax: (206) 757-7700

EXHIBIT A

May 31, 2011

Via Certified Mail. Return Receipt Requested

Grace Cox	Eric Mapes	Напту Levine	Julia Sokoloff
Olympia Food Co-op	Olympia Food Co-op	Olympia Food Co-op	Olympia Food Co-op
Board of Directors	Board of Directors	Board of Directors	Board of Directors
3111 Pacific Ave. SE	3111 Pacific Ave. SE	3111 Pacific Ave. SE	3111 Pacific Ave. SE
Olympia, WA 98501	Olympia, WA 98501	Olympia, WA 98501	Olympia, WA 98501
TJ Johnson	Rochelle Gause	Rob Richards	Erin Genia
Olympia Food Co-op	Olympia Food Co-op	Olympia Food Co-op	Olympia Food Co-op
Board of Directors	Board of Directors	Board of Directors	Board of Directors
3111 Pacific Ave. SE	3111 Pacific Ave. SE	3111 Pacific Ave. SE	3111 Pacific Ave. SE
Olympia, WA 98501	Olympia, WA 98501	Olympia, WA 98501	Olympia, WA 98501
John Nason	Ron Lavigne	John Regan	Jackie Krzyzek
Olympia Food Co-op	Olympia Food Co-op	Olympia Food Co-op	
Board of Directors	Board of Directors	Board of Directors	
3111 Pacific Ave. SE	3111 Pacific Ave. SE	가지 같은 것은 것이 같은 것이 같은 것이 같은 것이 같은 것이 많은 것이 많은 것이 같이 많이	
Olympia, WA 98501	Olympia, WA 98501	Olympia, WA 98501	
Joellen Reineck Wilhelm	Suzanne Shafer	Jessica Laing	

To the Olympia Food Co-op Board of Directors (present and former):

We are members of the Olympia Food Co-op ("OFC") who oppose OFC's boycott of Israeli made products ("Israel Boycott") and divestment from Israeli companies ("Divestment"). More importantly, we strongly object to the numerous procedural violations committed by the OFC Board of Directors (the "Board") in adopting these policies. You are receiving this letter because either (a) you are currently a member of the Board or (b) you were a member of the Board at the time the Israel Boycott and Divestment policies were adopted.

To be clear, we have repeatedly asked the Board to act on these issues in accordance with the rules and bylaws of OFC. We agree, of course, that OFC would be bound by the result of such a process. After all, OFC is a *cooperative* and its members have agreed to abide by certain rules. Yet you have refused to follow these rules or to cooperate. It is clear that members of the Board, by committing such procedural violations, have failed collectively and as individuals to abide by their lawful obligations to OFC and its members. A number of us have made this position clear to the Board since it announced its decision to enact the Israel Boycott. Yet our efforts have apparently fallen on deaf ears, as the Board steadfastly refuses to revisit its position on the Israel Boycott and Divestment policies. (To be clear, we currently take no position on OFC Board of Directors May 31, 2011 Page 2

soundness of OFC's "Boycott Policy" itself, which we understand may be under review by the Board, or OFC's boycott of products other than those made in Israel.)

At this point, we are left no choice but to demand in no uncertain terms that OFC act in accordance with its rules and bylaws and rescind the Israel Boycott and Divestment policies. Should new proposals to enact such policies be pursued at a later date in accordance with OFC rules and regulations, we would be prepared to respect the outcome of that process. Regrettably, should the Board reject our demand, we are prepared to pursue relief through the court system. We wish the situation had not come to this point, but frankly you have forced our hand by ignoring—again and again—our requests for due process and procedural compliance with OFC rules and regulations. As such, we expect to receive a response from the Board to our demand no later than 30 days from the date of this letter. (Please arrange to have the Board's response mailed to us at the address below.) Should no response be received by that date, we will assume you have rejected our demand and will proceed accordingly.

Although the basis for our demand has previously been communicated to Board members collectively and, in certain instances, individually, we again explain in summary fashion our position. This is provided in the sincere hope that you will revisit the process by which the Boycott and Divestment policies were adopted. Nothing would please us more than to see this matter resolved without the need for adversarial action. That said, we are tired of being ignored and marginalized by a Board that refuses to abide by the rules and cooperative spirit of OFC's governance principles and procedures.

We remind the Board of the numerous occasions on which members of OFC have explained how and why the enactment of the Israel Boycott and Divestment policies violated OFC rules and regulations and why, as a result, the Board should rescind them. In short, you have repeatedly been put on notice of the Board's procedural violations, and you have repeatedly rejected requests for remedial action. While we are continuing to investigate and conduct additional analysis, it is clear that the Board, in deciding to boycott Israeli made products and divest from investments in Israeli companies, violated the terms of a number of OFC's governing documents—most obviously, the OFC "Boycott Policy." Other rules and regulations that were violated include OFC's Mission Statement and Bylaws. We intend to hold each of you personally responsible for these procedural violations and the breaches of your duties.

As members of OFC—some of us longstanding members—we submit this letter to you in the sincere hope that the Board will (1) recognize the mistakes it made in the course of adopting the Israel Boycott and Divestment policies and (2) rescind these policies without the need for further action by us. We are not interested in needlessly dragging ourselves or OFC, an institution to which we have collectively given significant time and energy, into an adversarial proceeding. That said, our informal efforts thus far—made in the spirit of cooperation that drew us to OFC in the first place—have failed to persuade you to do what is required under the circumstances. In short, you are entirely responsible for the position in which you now find yourselves. If you do what we demand, this situation may be resolved amicably and efficiently. OFC Board of Directors May 31, 2011 Page 3

If not, we will bring legal action against you, and this process will become considerably more complicated, burdensome, and expensive than it has been already.

We look forward to receiving a response from you no later than *30 days* from the date of this letter. Please arrange to have the Board's response mailed to us at P.O. Box 6060, Olympia, WA 98507-6060.

Sincerely,

Kent L. Davis

Linda Davis

Susan Mayer

Susan G. Trinin

Trinin

EXHIBIT B

1		Hon. Paula Casey
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8	SUPERIOR COURT OF WASHING	TON FOR THURSTON COUNTY
9	KENT L. and LINDA DAVIS; JEFFREY	N. 11 0 01005 7
10	and SUSAN TRININ; and SUSAN MAYER, derivatively on behalf of	No. 11-2-01925-7
11	OLYMPIA FOOD COOPERATIVE,	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS
12	Plaintiffs,	
13	$\mathbf{V}_{\mathbf{k}}$	
14	GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE	
15	KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON LAVIGNE;	
16	HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB	
17	RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK	
18	WILHELM,	
19	Defendants.	
20	TO: GRACE COX, Defendant.	
21	Pursuant to CR 33 and CR 34, Plaintin	ffs Kent and Linda Davis, Jeffrey and Susan
22	Trinin, and Susan Mayer, derivatively on beh	alf of Olympia Food Cooperative (referred to
23	herein as "OFC") (referred to collectively her	ein as "Plaintiffs"), request that Defendant
24	GRACE COX ("Defendant") respond to the f	following interrogatories and requests for
25	production.	
26		red with the original and one copy of the

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PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 1

interrogatories. To facilitate preparation of answers and responses, Plaintiffs will additionally provide an electronic copy of the document to you by electronic mail at your request. Please insert your answers on the original in the space provided following each interrogatory, or use additional pages if necessary. Please serve the completed original on the undersigned. Each interrogatory is to be answered fully and separately, in writing and under oath, within 40 days of service upon you.

Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the service thereof, produce for inspection and copying the documents described below at the offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University Street, Suite 2700, Seattle, Washington 98101.

INSTRUCTIONS AND DEFINITIONS

The following definitions and instructions are intended to supplement those set forth in the Local Civil Rules, and are not intended to broaden such definitions and instructions.

The term "Lawsuit" whenever used herein shall be understood to mean the A. case known as Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer, derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne; Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer; Julia Sokoloff; and Joellen Reineck Wilhelm, now pending in Thurston County Superior Court.

The terms "you" and "your" whenever used herein shall be understood to 22 B. mean Defendant GRACE COX individually, as well as GRACE COX's current and 23 former attorneys, agents, principals, employees, and/or representatives. 24

The term "Board of OFC," as used herein, shall be understood to mean the C. 25 Board of Directors of the Olympia Food Cooperative, and its current and former attorneys, 26

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 2

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

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agents, principals, employees, and/or representatives.

D. The term "Boycott Policy," as used herein, shall be understood to mean the policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding the means, terms, exceptions, and procedures by which OFC shall, "whenever possible...honor nationally recognized boycotts."

E. The term "Israel Boycott," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

F. The term "Divestment," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

G. The term "Israel Boycott and Divestment policies," as used herein, shall be understood to mean the policies that came into existence as a result of the decisions described in paragraphs D and E herein.

H. These interrogatories and requests for production are intended to be a continuing obligation upon Defendant to furnish all information requested herein until final disposition of this case. Corrections and supplemental responses are required as provided for in the Rules of Civil Procedure. Plaintiffs will move the Court to exclude the testimony of any person not identified or evidence not disclosed in answers to these interrogatories, and will move to dismiss any claims related to any requested documents within the possession, custody or control of Defendant that Defendant fails to produce or to identify individually on a privilege log in response to these requests, and will move to exclude any other evidence offered by Defendant related to such documents.

I. These requests seek documents and information in the possession, custody,
or control of Defendant, including (by way of example and not limitation) documents and
information in the possession of Defendant's current and former attorneys, agents,
principals, accountants, and appraisers.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 3

J. In responding to each request for production, if you do not produce a document in whole or in part because you are unable to do so, or for any other reason, you are requested to state the name and address of each person whom you believe has custody, possession, or control of the document.

K. Objections and claims of privilege should not be made in a general, blanket fashion. Rather, Defendant must indicate which objections or claims of privilege are asserted with regard to each discovery request. If only part of a discovery request is objected to, Defendant should indicate which objections or claims of privilege are asserted with regard to each such part.

L. With regard to attorney-client privilege and work product doctrine objections to interrogatories, describe the factual basis for your claim of privilege, including relevant dates, persons involved in the communication, subject matters involved, all persons present when the communications occurred, all persons who have been told about any of the details of the communication, and other information which would permit the Court to adjudicate the validity of the claim of privilege.

M. With regard to each document withheld upon a claim of attorney-client privilege or work product doctrine, prepare a document-by-document privilege log stating the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended recipient(s), subject matter(s), and persons who have received the document or have been told about the contents thereof, and other information which would permit the Court to adjudicate the validity of the claim or privilege. This privilege log must be produced contemporaneously with the documents produced in response to these requests.

N. If you object in part to any request for production, please respond to the remainder completely.

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O. In responding to each request for production, please identify by number each and every request to which the documents are responsive.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 4

P. All documents should be produced in the same order as they are kept or maintained by you in the ordinary course of business and in the manual, booklet, binder, file, folder, envelope, or other container in which they are ordinarily kept or maintained.
If for any reason the container cannot be produced, produce copies of all labels or other identifying markings thereon.

The term "documents" or "records" are intended to be interchangeable and Q. to be construed in their broadest sense including, but not limited to any original, recorded, or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all non-identical copies of each such writing (whether different from the original because of notes made on such copy or otherwise), including but not limited to: reports, drafts, working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings, schedules, cost sheets and quotation forms, bids, computer-generated and mechanicallycreated records, laser disks, compact disks, quotations, transcriptions of telephone conversations, notes, diaries, printouts, photographs, movies, mechanical or sound recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams, tape recordings, transmittal documents, rough letters, revisions, superseded documents, telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading, amendments, modifications, revisions, agreements, bills, estimates, statements of account, claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and all other manner and form of communication not otherwise expressly described.

As noted, the terms "documents" or "records" include, among other information, information stored in machine-readable form. In determining where responsive documents in this form might be located, consider whether you have any equipment or media which contain "documents" as defined herein, including but not limited to:

(1) Desktop personal computers (PCs) or workstations; PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS -- Page 5 LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816

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electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for work-related purposes.

(2) Backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party; and,

(3) Electronic mail messages, even if available only on backup or archive disks or tapes.

R. Except as otherwise specified herein, provide responsive machine-readable information in its original format. All databases should be in either MS Excel or MS Access. All other files should be in MS Office format, preferably 2000. All e-mail should be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM. If you have any questions concerning what constitutes an appropriate format, please contact counsel for Plaintiffs.

S. Unless otherwise specified herein, the term "computer" includes but is not limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for workrelated purposes.

T. As used herein, the term "backup" includes but is not limited to backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party.

U. As used herein, the phrase "describe" means to set out every aspect of every fact, circumstance, act, omission, or course of conduct known to you relating in any way to the matter inquired about, including, without limitation, the date and place thereof, the identity of each person present, connected therewith, or who has knowledge thereof,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 6 LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143 . (206) 467-1816

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1	the identity of all documents relating thereto, and if anything was said by any person, the
2	identity of each such person and each such oral statement, and if the oral statement in
3	whole or in part was contained, reported, summarized or referred to in any documents, the
4	identity of each such document.
5	V. The term "person" means any individual, partnership, corporation, firm,
6	association, or other business or legal entity.
7	W. The terms "and" and "or" wherever used herein shall be understood in both
8	the conjunctive and disjunctive sense, synonymous with "and/or."
9	X. The terms "any" and "all" wherever used herein shall be understood in
10	their most inclusive sense, synonymous with "any or all."
11	Y. "Identity" or "identify" means:
12	(a) when used with reference to a natural person, to state his or her full
13	name, his or her present home address, present business address, present home and
14	business telephone numbers, occupation, present or last known position, and business
15	affiliation;
16	(b) when used in reference to any entity, such as a partnership, joint
17	venture, trust, or corporation, to state the full legal name of such entity, each name under
18	which such entity does business, the entity's street address, the entity's telephone number,
19	the identity of the chief operating officer, manager, trustee, or other principal
20	representative and the identity of those persons employed by or otherwise acting for such
21	entity who are known or are believed to possess the knowledge or information responsive
22	to the interrogatory and for which the entity was identified;
23	(c) when used with reference to documents, to state specifically:
24	(i) the type of documents involved (e.g., letter, interoffice
25	memorandum, etc.), together with information sufficient to enable defendant to
26	locate the document, such as its date, the name of any addressee, the name of any
	LAW OFFICES OF

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 7

signer, the title or heading of the documents and its approximate number of pages; and

3	(ii) the identity of the person last known to have possession of
4	the document, together with the present or last known location of the document. If
5	any document was, but is no longer, in your possession, custody or control,
6	identify the document, state what disposition was made of it and the reason for
7	such disposition. In lieu of identifying documents, copies may be provided.
8	(d) when used with reference to damages or injuries, to state
9	specifically:
10	(i) the date on which the damage or injury occurred,
11	(ii) the monetary value of the damage or injury, and
12	(iii) any other persons or entities involved in the events or
13	circumstances giving rise to the alleged damage or injury.
14	(e) when used with reference to a legal action, to state specifically:
15	(i) the date and place each such action was filed, giving the
16	name of the court and the name of the other party or parties involved, the cause
17	number, and the names and addresses of the attorneys representing each party;
18	(ii) a description of the nature of each action; and
19	(iii) the result of each such action, whether there was an appeal,
.20	the results of the appeal, whether such case was reported and the name, volume
21	number and page citation of such report.
22	INTERROGATORIES
23	INTERROGATORY NO. 1. : Please identify every person who has been a
24	member of the Board of OFC since April 1993, including all current members of the Board
25	of OFC.
26	ANSWER:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 8

1	INTER	ROGATORY NO. 2.: Please identify every person who was a staff
2		C at the time the Israel Boycott and Divestment policies were considered
3	and/or enacted	by the Board of OFC.
4	ANSW	VER:
5		
6		
7	,	
8	INTE	RROGATORY NO. 3. : Please identify every communication from a staff
9	member of O	FC to the Board of OFC relating to the Boycott Policy of OFC; and/or the
10	Israel Boycot	t and Divestment policies; and/or any other boycott ever considered or enacted
11	by the Board	of OFC.
12	ANSY	<u>WER</u> :
13		
14		
15	·	
16	INTE	ERROGATORY NO. 4.: Please identify any expert witness you expect to
17	call at trial ar	nd, as to each such witness, provide:
18	(a)	The person's name, occupation, title, business address, area of specialization, if any, and professional relationship to you;
19	(b)	The subject matter on which the person is expected to testify;
20	(c)	The substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion;
21	(d)	All data or other information considered by the person in forming his or her
22	(4)	opinions;
23	(e)	A statement of the person's qualifications, including a list of all publications authored by the person in the past 10 years;
24 25	(f)	The identity of any exhibits to be used as a summary of or support for the person's opinions;
26	(g)	The compensation to be paid to the person in connection with his or her work as an expert witness; and
		work as an expert witness; and LAW OFFICES OF MCNAUL EBEL NAWBOT & HELO

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 9

A list of all other cases in which the person has testified by deposition or at trial and the identity of the attorneys who questioned the person.

ANSWER:

(h)

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce all documents that relate in any way to boycotting and/or divesting from Israel, including but not limited to all documents that were considered by the Board of OFC in enacting the Israel Boycott and Divestment policies; all committee or Board minutes relating to the Israel Boycott and Divestment policies; notes and comments relating to those minutes; and all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in enacting the Israel Boycott and Divestment policies.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2.: To the extent not produced in response to a prior request for production, please produce all documents relating to any effort or consideration given by the Board of OFC to boycotting products of any country or geographic area other than Israel—whether such boycott was enacted or not—including but not limited to all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in connection therewith.

RESPONSE:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 10 LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816

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REQUEST FOR PRODUCTION NO. 3.: To the extent not produced in response to a prior request for production, please produce all documents that relate in any way to the rules and/or procedures of OFC regarding boycotts, including but not limited to any previous boycott policies and/or procedures and any changes to such policies and/or procedures.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4.: To the extent not produced in response to a prior request for production, please produce all communications between yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any product or products, including but not limited to communications relating to the boycott policies and procedures of OFC.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5.: Please produce all documents

identified in your Answer to Interrogatory No. 3.

<u>RESPONSE</u>:

INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of September, 2011.

MCNAUL BEL NAWROT & HELGKEN PLLC By: Robert M. Sulkin, WSBA No. 15425 Avi J. Lipman, WSBA No. 37661

1111. Expinail, 11.02711

Attorneys for Plaintiffs

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 11

1	ANSWERS AND RESPONSES dated this day of, 2011.
2	
3	By:
4	By: GRACE COX, Defendant
5	
6	CERTIFICATION
7	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery</i>
8	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery</i> <i>Requests to Defendants</i> and any objections thereto, and the answers, responses and objections are in compliance with CR 26(g).
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10	Ву:
11	, Attorney for Defendants
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	LAW OFFICES OF PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 12 (206) 467-1816 LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN P 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816

1	VERIFIC	ATION
2	STATE OF WASHINGTON)	
3) ss. COUNTY OF KING)	
4		1. I. Sum and for the
5	On this day of, 201 State of Washington, personally appeared GR within and foregoing instrument, and acknowl	1, before me, a Notary Public in and for the ACE COX, the party who executed the
6	voluntary act and deed of said party for the us	es and purposes therein mentioned.
7		ereto affixed the day and year first as above
8	written.	
9	Ī	lame: IOTARY PUBLIC in and for the State
10	c	f
11	r N	Ay appointment expires:
12	[NOTARIAL SEAL]	
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I	PLAINTIFFS' FIRST DISCOVERY REQUI DEFENDANTS – Page 13	LAW OFFICES OF ESTS TO 600 University Street, Suite 2700 Seattle, Washington 98101-3143

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Seattle, Washington 98101-3143 (206) 467-1816

1		Hon. Paula Casey
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8	SUPERIOR COURT OF WASHING	FON FOR THURSTON COUNTY
9	KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSAN	No. 11-2-01925-7
10	MAYER, derivatively on behalf of OLYMPIA FOOD COOPERATIVE,	PLAINTIFFS' FIRST DISCOVERY
11	Plaintiffs,	REQUESTS TO DEFENDANTS
12	v.	
13	GRACE COX; ROCHELLE GAUSE;	
14	ERIN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI; JACKIE KRZYZEK;	
15	JESSICA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN	
16	NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA	
17	SOKOLOFF; and JOELLEN REINECK WILHELM,	
18	Defendants.	
19		
20	TO: ROCHELLE GAUSE, Defenda	int.
21	Pursuant to CR 33 and CR 34, Plaintifi	s Kent and Linda Davis, Jeffrey and Susan
22	Trinin, and Susan Mayer, derivatively on beha	If of Olympia Food Cooperative (referred to
23	herein as "OFC") (referred to collectively here	in as "Plaintiffs"), request that Defendant
24	ROCHELLE GAUSE ("Defendant") respond	to the following interrogatories and requests
25	for production.	
26	Pursuant to CR 33, you are being serve	ed with the original and one copy of the
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PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 1 LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Sume 1700 Seattle, Washington 98 101-3143 (206) 467-1816

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interrogatories. To facilitate preparation of answers and responses, Plaintiffs will additionally provide an electronic copy of the document to you by electronic mail at your request. Please insert your answers on the original in the space provided following each interrogatory, or use additional pages if necessary. Please serve the completed original on the undersigned. Each interrogatory is to be answered fully and separately, in writing and under oath, within 40 days of service upon you.

Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the service thereof, produce for inspection and copying the documents described below at the offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University Street, Suite 2700, Seattle, Washington 98101.

INSTRUCTIONS AND DEFINITIONS

The following definitions and instructions are intended to supplement those set forth in the Local Civil Rules, and are not intended to broaden such definitions and instructions.

A. The term "Lawsuit" whenever used herein shall be understood to mean the case known as Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer, derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne; Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer; Julia Sokoloff; and Joellen Reineck Wilhelm, now pending in Thurston County Superior Court.

B. The terms "you" and "your" whenever used herein shall be understood to mean Defendant ROCHELLE GAUSE individually, as well as ROCHELLE GAUSE's current and former attorneys, agents, principals, employees, and/or representatives.

C. The term "Board of OFC," as used herein, shall be understood to mean the Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 2 LAW OFFICES OF MCNAUL EBEL NAWROT & HELOREN PLLC 600 University Sacot, Suite 2700 Seattle, Washington 94101-3143 (206) 467-1816

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agents, principals, employees, and/or representatives.

D. The term "Boycott Policy," as used herein, shall be understood to mean the policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding the means, terms, exceptions, and procedures by which OFC shall, "whenever possible...honor nationally recognized boycotts."

E. The term "Israel Boycott," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

F. The term "Divestment," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

G. The term "Israel Boycott and Divestment policies," as used herein, shall be understood to mean the policies that came into existence as a result of the decisions described in paragraphs D and E herein.

H. These interrogatories and requests for production are intended to be a continuing obligation upon Defendant to furnish all information requested herein until final disposition of this case. Corrections and supplemental responses are required as provided for in the Rules of Civil Procedure. Plaintiffs will move the Court to exclude the testimony of any person not identified or evidence not disclosed in answers to these interrogatories, and will move to dismiss any claims related to any requested documents within the possession, custody or control of Defendant that Defendant fails to produce or to identify individually on a privilege log in response to these requests, and will move to exclude any other evidence offered by Defendant related to such documents.

I. These requests seek documents and information in the possession, custody, or control of Defendant, including (by way of example and not limitation) documents and information in the possession of Defendant's current and former attorneys, agents, principals, accountants, and appraisers.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 3

J. In responding to each request for production, if you do not produce a document in whole or in part because you are unable to do so, or for any other reason, you are requested to state the name and address of each person whom you believe has custody, possession, or control of the document.

K. Objections and claims of privilege should not be made in a general, blanket fashion. Rather, Defendant must indicate which objections or claims of privilege are asserted with regard to each discovery request. If only part of a discovery request is objected to, Defendant should indicate which objections or claims of privilege are asserted with regard to each such part.

L. With regard to attorney-client privilege and work product doctrine objections to interrogatories, describe the factual basis for your claim of privilege, including relevant dates, persons involved in the communication, subject matters involved, all persons present when the communications occurred, all persons who have been told about any of the details of the communication, and other information which would permit the Court to adjudicate the validity of the claim of privilege.

M. With regard to each document withheld upon a claim of attorney-client privilege or work product doctrine, prepare a document-by-document privilege log stating the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended recipient(s), subject matter(s), and persons who have received the document or have been told about the contents thereof, and other information which would permit the Court to adjudicate the validity of the claim or privilege. This privilege log must be produced contemporaneously with the documents produced in response to these requests.

N. If you object in part to any request for production, please respond to the remainder completely.

O. In responding to each request for production, please identify by number each and every request to which the documents are responsive.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 4

LAW OPPICES OF MCNAUL EBEL NAWROT & HELGREN FLLC 600 University Street, Saite 2700 Seattle, Washington 98101-3143 (206) 467-1816

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All documents should be produced in the same order as they are kept or P. maintained by you in the ordinary course of business and in the manual, booklet, binder, file, folder, envelope, or other container in which they are ordinarily kept or maintained. If for any reason the container cannot be produced, produce copies of all labels or other identifying markings thereon.

The term "documents" or "records" are intended to be interchangeable and Q. to be construed in their broadest sense including, but not limited to any original, recorded, or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all non-identical copies of each such writing (whether different from the original because of notes made on such copy or otherwise), including but not limited to: reports, drafts, working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings, schedules, cost sheets and quotation forms, bids, computer-generated and mechanicallycreated records, laser disks, compact disks, quotations, transcriptions of telephone conversations, notes, diaries, printouts, photographs, movies, mechanical or sound recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams, tape recordings, transmittal documents, rough letters, revisions, superseded documents, telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading, amendments, modifications, revisions, agreements, bills, estimates, statements of account, claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and all other manner and form of communication not otherwise expressly described.

As noted, the terms "documents" or "records" include, among other information, information stored in machine-readable form. In determining where responsive documents in this form might be located, consider whether you have any equipment or media which contain "documents" as defined herein, including but not limited to:

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Desktop personal computers (PCs) or workstations; PCs, (1)workstations, minicomputers, or mainframes used as file servers, application servers, or

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO **DEFENDANTS - Page 5**

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electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for work-related purposes.

(2) Backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party; and,

(3) Electronic mail messages, even if available only on backup or archive disks or tapes.

R. Except as otherwise specified herein, provide responsive machine-readable information in its original format. All databases should be in either MS Excel or MS Access. All other files should be in MS Office format, preferably 2000. All e-mail should be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM. If you have any questions concerning what constitutes an appropriate format, please contact counsel for Plaintiffs.

S. Unless otherwise specified herein, the term "computer" includes but is not limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for workrelated purposes.

T. As used herein, the term "backup" includes but is not limited to backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party.

U. As used herein, the phrase "describe" means to set out every aspect of every fact, circumstance, act, omission, or course of conduct known to you relating in any way to the matter inquired about, including, without limitation, the date and place thereof, the identity of each person present, connected therewith, or who has knowledge thereof,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 6 LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN M.LC 600 University Struet, Suite 2700 Seattle, Watchington 98101-3143 (206) 467-1816

the identity of all documents relating thereto, and if anything was said by any person, the identity of each such person and each such oral statement, and if the oral statement in whole or in part was contained, reported, summarized or referred to in any documents, the identity of each such document.

V. The term "person" means any individual, partnership, corporation, firm, association, or other business or legal entity.

W. The terms "and" and "or" wherever used herein shall be understood in both the conjunctive and disjunctive sense, synonymous with "and/or."

X. The terms "any" and "all" wherever used herein shall be understood in their most inclusive sense, synonymous with "any or all."

"Identity" or "identify" means:

(a) when used with reference to a natural person, to state his or her full
 name, his or her present home address, present business address, present home and
 business telephone numbers, occupation, present or last known position, and business
 affiliation;

(b) when used in reference to any entity, such as a partnership, joint venture, trust, or corporation, to state the full legal name of such entity, each name under which such entity does business, the entity's street address, the entity's telephone number, the identity of the chief operating officer, manager, trustee, or other principal representative and the identity of those persons employed by or otherwise acting for such entity who are known or are believed to possess the knowledge or information responsive to the interrogatory and for which the entity was identified;

Υ.

(c) when used with reference to documents, to state specifically:

(i) the type of documents involved (e.g., letter, interoffice memorandum, etc.), together with information sufficient to enable defendant to locate the document, such as its date, the name of any addressee, the name of any

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 7

signer, the title or heading of the documents and its approximate number of pages; and

3	(ii) the identity of the person last known to have possession of		
4	the document, together with the present or last known location of the document. If		
5	any document was, but is no longer, in your possession, custody or control,		
6	identify the document, state what disposition was made of it and the reason for		
7	such disposition. In lieu of identifying documents, copies may be provided.		
8	(d) when used with reference to damages or injuries, to state		
9	specifically:		
10	(i) the date on which the damage or injury occurred,		
11	(ii) the monetary value of the damage or injury, and		
12	(iii) any other persons or entities involved in the events or		
13	circumstances giving rise to the alleged damage or injury.		
14	(e) when used with reference to a legal action, to state specifically:		
15	(i) the date and place each such action was filed, giving the		
16	name of the court and the name of the other party or parties involved, the cause		
17	number, and the names and addresses of the attorneys representing each party;		
18	(ii) a description of the nature of each action; and		
19	(iii) the result of each such action, whether there was an appeal,		
20	the results of the appeal, whether such case was reported and the name, volume		
21	number and page citation of such report.		
22	INTERROGATORIES		
23	INTERROGATORY NO. 1. : Please identify every person who has been a		
24	member of the Board of OFC since April 1993, including all current members of the Board		
25	of OFC.		
26	ANSWER:		

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 8

1 INTERROGATORY NO. 2.: Please identify every person who was a staff 2 member of OFC at the time the Israel Boycott and Divestment policies were considered 3 and/or enacted by the Board of OFC. 4 ANSWER: 5	. 1				
3 and/or enacted by the Board of OFC. 4 ANSWER: 5 6 7 7 8 INTERROGATORY NO. 3.: Please identify every communication from a staff 9 member of OFC to the Board of OFC relating to the Boycott Polley of OFC; and/or the 10 Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted 11 by the Board of OFC. 2 ANSWER: 13 14 15 15 16 INTERROGATORY NO. 4.: Please identify any expert witness you expect to 17 call at trial and, as to each such witness, provide: 18 (a) 19 (b) 19 (c) 19 (c) 19 (c) 19 (d) 20 (e) 21 (d) 22 (e) 23 (e) 24 (f) 25 (f) 26 A statement of the person's qualifications, including a list of all publications authored by the person in the past 10 years; 24 (f) The i					
4 ANSWER: 5 6 7 7 8 INTERROGATORY NO. 3.: Please identify every communication from a staff 9 member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the 10 Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted 11 by the Board of OFC. 12 ANSWER: 13 14 14 15 15 INTERROGATORY NO. 4.: Please identify any expert witness you expect to 16 INTERROGATORY NO. 4.: Please identify any expert witness you expect to 17 call at trial and, as to each such witness, provide: 18 (a) The person's name, occupation, tille, business address, area of specialization, if any, and professional relationship to you; 19 (b) The subject matter on which the person is expected to testify; 20 (c) The substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion; 21 (d) All data or other information considered by the person in forming his or her opinions; 23 (e) A statement of the person's qualifications, including a list of all publications authored by the person in the past 10 years; 23 (f) The identity of any e	2	member of OFC at the time the Israel Boycott and Divestment policies were considered			
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 call at trial and, as to each such witness, provide: (a) The person's name, occupation, title, business address, area of specialization, if any, and professional relationship to you; (b) The subject matter on which the person is expected to testify; (c) The substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion; (d) All data or other information considered by the person in forming his or her opinions; (e) A statement of the person's qualifications, including a list of all publications authored by the person in the past 10 years; (f) The identity of any exhibits to be used as a summary of or support for the person's opinions; 	15	r.			
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 specialization, if any, and professional relationship to you; (b) The subject matter on which the person is expected to testify; (c) The substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion; (d) All data or other information considered by the person in forming his or her opinions; (e) A statement of the person's qualifications, including a list of all publications authored by the person in the past 10 years; (f) The identity of any exhibits to be used as a summary of or support for the person's opinions; 	17	call at trial an	d, as to each such witness, provide:		
 (b) The subject matter on which the person is expected to testify; (c) The substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion; (d) All data or other information considered by the person in forming his or her opinions; (e) A statement of the person's qualifications, including a list of all publications authored by the person in the past 10 years; (f) The identity of any exhibits to be used as a summary of or support for the person's opinions; (g) The compensation to be paid to the person in connection with his or her 	18	(a)			
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 (d) All data or other information considered by the person in forming his or her opinions; (e) A statement of the person's qualifications, including a list of all publications authored by the person in the past 10 years; (f) The identity of any exhibits to be used as a summary of or support for the person's opinions; (g) The compensation to be paid to the person in connection with his or her 	20	(c)	• • •		
 22 opinions; 23 (e) A statement of the person's qualifications, including a list of all publications authored by the person in the past 10 years; 24 (f) The identity of any exhibits to be used as a summary of or support for the person's opinions; (a) The compensation to be paid to the person in connection with his or her. 	21				
 publications authored by the person in the past 10 years; (f) The identity of any exhibits to be used as a summary of or support for the person's opinions; (g) The compensation to be paid to the person in connection with his or her. 	22	(d)	• • •		
 (f) The identity of any exhibits to be used as a summary of or support for the person's opinions; (a) The compensation to be paid to the person in connection with his or her. 	((e)			
(a) The compensation to be noted to the person in connection with his or her		(f)			
work as an expert witness; and	26	(g)	The compensation to be paid to the person in connection with his or her work as an expert witness; and		

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 9

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LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN MLC 600 University Street, Swite 2700 Seerle, Waskington 98101-3143 (206) 467-1816 しノ

A list of all other cases in which the person has testified by deposition or at trial and the identity of the attorneys who questioned the person.

ANSWER:

(h)

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce all documents that relate in any way to boycotting and/or divesting from Israel, including but not limited to all documents that were considered by the Board of OFC in enacting the Israel Boycott and Divestment policies; all committee or Board minutes relating to the Israel Boycott and Divestment policies; notes and comments relating to those minutes; and all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in enacting the Israel Boycott and Divestment policies.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2.: To the extent not produced in response to a prior request for production, please produce all documents relating to any effort or consideration given by the Board of OFC to boycotting products of any country or geographic area other than Israel—whether such boycott was enacted or not—including but not limited to all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in connection therewith.

RESPONSE:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 10

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REQUEST FOR PRODUCTION NO. 3.: To the extent not produced in response to a prior request for production, please produce all documents that relate in any way to the rules and/or procedures of OFC regarding boycotts, including but not limited to any previous boycott policies and/or procedures and any changes to such policies and/or procedures.

RESPONSE:

<u>REQUEST FOR PRODUCTION NO. 4.</u>: To the extent not produced in response to a prior request for production, please produce all communications between yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any product or products, including but not limited to communications relating to the boycott policies and procedures of OFC.

<u>RESPONSE</u>:

REQUEST FOR PRODUCTION NO. 5.: Please produce all documents

identified in your Answer to Interrogatory No. 3.

RESPONSE:

INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of September, 2011.

MCNAUL EBEL NAWROT & HELGREN By: Robert M. Sulkin, WSBA No. 15425 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 11

2 3 4 5 6		D er	
4 5		Date	
5		By: ROCHELLE GAUSE, Defendant	
	· ·	ROCHELLE GAUSE, Determain	
, II	· · ·		
'		CERTIFICATION	
7	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery</i> <i>Requests to Defendants</i> and any objections thereto, and the answers, responses and objections are in compliance with CR 26(g).		
	objections are in compliance with CR 26(g).		
		Ву:	
		, Attorney for Defendants	
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PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 12

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LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLIC 600 University Street, Saite 2700 Sentile, Washington 98101-3143 (206) 467-1816 \cup

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	VERIFICATION		
2 STATE OF WASHINGTON			
COUNTY OF KING	COUNTY OF KING) ss.		
	2011 before me a Matani Dublic in and for the		
On this day of, 2011, before me, a Notary Public in and for the State of Washington, personally appeared ROCHELLE GAUSE, the party who executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said party for the uses and purposes therein mentioned.			
written.			
3	Name:		
	of		
	Residing at My appointment expires:		
[NOTARIAL SEAL]			
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PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 13

LAW OFFICES OF ACNAUL EBEL NAWROT & HELGREN PLLC 600 University Screet, Smith 2700 Scentle, Washington 90101-3143 (206) 467-1416 U

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	27				
1		Hon. Paula Casey			
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8	SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY				
9	KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSAN	No. 11-2-01925-7			
10	MAYER, derivatively on behalf of OLYMPIA FOOD COOPERATIVE,				
11		PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS			
12	Plaintiffs,				
13	V	· · · ·			
14	GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI; JACKIE KRZYZEK;				
15	JESSICA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN				
16	NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA				
17	SOKOLOFF; and JOELLEN REINECK WILHELM,	· · ·			
18					
19	Defendants.				
20	TO: ERIN GENIA, Defendant.				
21	Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan				
22	Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to				
23	herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant				
24	ERIN GENIA ("Defendant") respond to the following interrogatories and requests for				
25	production.				
26	Pursuant to CR 33, you are being served with the original and one copy of the				

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 1

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interrogatories. To facilitate preparation of answers and responses, Plaintiffs will additionally provide an electronic copy of the document to you by electronic mail at your request. Please insert your answers on the original in the space provided following each interrogatory, or use additional pages if necessary. Please serve the completed original on the undersigned. Each interrogatory is to be answered fully and separately, in writing and under oath, within 40 days of service upon you.

Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the service thereof, produce for inspection and copying the documents described below at the offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University Street, Suite 2700, Seattle, Washington 98101.

INSTRUCTIONS AND DEFINITIONS

The following definitions and instructions are intended to supplement those set forth in the Local Civil Rules, and are not intended to broaden such definitions and instructions.

A. The term "Lawsuit" whenever used herein shall be understood to mean the case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer, derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne; Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer; Julia Sokoloff; and Joellen Reineck Wilhelm, now pending in Thurston County Superior Court.*

B. The terms "you" and "your" whenever used herein shall be understood to mean Defendant ERIN GENIA individually, as well as ERIN GENIA's current and former attorneys, agents, principals, employees, and/or representatives.

C. The term "Board of OFC," as used herein, shall be understood to mean the Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 2
agents, principals, employees, and/or representatives.

D. The term "Boycott Policy," as used herein, shall be understood to mean the policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding the means, terms, exceptions, and procedures by which OFC shall, "whenever possible...honor nationally recognized boycotts."

E. The term "Israel Boycott," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

F. The term "Divestment," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

G. The term "Israel Boycott and Divestment policies," as used herein, shall be understood to mean the policies that came into existence as a result of the decisions described in paragraphs D and E herein.

H. These interrogatories and requests for production are intended to be a continuing obligation upon Defendant to furnish all information requested herein until final disposition of this case. Corrections and supplemental responses are required as provided for in the Rules of Civil Procedure. Plaintiffs will move the Court to exclude the testimony of any person not identified or evidence not disclosed in answers to these interrogatories, and will move to dismiss any claims related to any requested documents within the possession, custody or control of Defendant that Defendant fails to produce or to identify individually on a privilege log in response to these requests, and will move to exclude any other evidence offered by Defendant related to such documents.

I. These requests seek documents and information in the possession, custody, or control of Defendant, including (by way of example and not limitation) documents and information in the possession of Defendant's current and former attorneys, agents, principals, accountants, and appraisers.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 3

J. In responding to each request for production, if you do not produce a document in whole or in part because you are unable to do so, or for any other reason, you are requested to state the name and address of each person whom you believe has custody, possession, or control of the document.

K. Objections and claims of privilege should not be made in a general, blanket fashion. Rather, Defendant must indicate which objections or claims of privilege are asserted with regard to each discovery request. If only part of a discovery request is objected to, Defendant should indicate which objections or claims of privilege are asserted with regard to each such part.

L. With regard to attorney-client privilege and work product doctrine objections to interrogatories, describe the factual basis for your claim of privilege, including relevant dates, persons involved in the communication, subject matters involved, all persons present when the communications occurred, all persons who have been told about any of the details of the communication; and other information which would permit the Court to adjudicate the validity of the claim of privilege.

M. With regard to each document withheld upon a claim of attorney-client privilege or work product doctrine, prepare a document-by-document privilege log stating the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended recipient(s), subject matter(s), and persons who have received the document or have been told about the contents thereof, and other information which would permit the Court to adjudicate the validity of the claim or privilege. This privilege log must be produced contemporaneously with the documents produced in response to these requests.

N. If you object in part to any request for production, please respond to the remainder completely.

O. In responding to each request for production, please identify by number each and every request to which the documents are responsive.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 4

P. All documents should be produced in the same order as they are kept or maintained by you in the ordinary course of business and in the manual, booklet, binder, file, folder, envelope, or other container in which they are ordinarily kept or maintained. If for any reason the container cannot be produced, produce copies of all labels or other identifying markings thereon.

The term "documents" or "records" are intended to be interchangeable and 0. to be construed in their broadest sense including, but not limited to any original, recorded, or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all non-identical copies of each such writing (whether different from the original because of notes made on such copy or otherwise), including but not limited to: reports, drafts, working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings, schedules, cost sheets and quotation forms, bids, computer-generated and mechanicallycreated records, laser disks, compact disks, quotations, transcriptions of telephone conversations, notes, diaries, printouts, photographs, movies, mechanical or sound recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams, tape recordings, transmittal documents, rough letters, revisions, superseded documents, telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading, amendments, modifications, revisions, agreements, bills, estimates, statements of account, claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and all other manner and form of communication not otherwise expressly described.

As noted, the terms "documents" or "records" include, among other information, information stored in machine-readable form. In determining where responsive documents in this form might be located, consider whether you have any equipment or media which contain "documents" as defined herein, including but not limited to:

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(1) Desktop personal computers (PCs) or workstations; PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 5

electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for work-related purposes.

(2) Backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party; and,

(3) Electronic mail messages, even if available only on backup or archive disks or tapes.

R. Except as otherwise specified herein, provide responsive machine-readable information in its original format. All databases should be in either MS Excel or MS Access. All other files should be in MS Office format, preferably 2000. All e-mail should be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM. If you have any questions concerning what constitutes an appropriate format, please contact counsel for Plaintiffs.

S. Unless otherwise specified herein, the term "computer" includes but is not limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for workrelated purposes.

T. As used herein, the term "backup" includes but is not limited to backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party.

U. As used herein, the phrase "describe" means to set out every aspect of every fact, circumstance, act, omission, or course of conduct known to you relating in any way to the matter inquired about, including, without limitation, the date and place thereof, the identity of each person present, connected therewith, or who has knowledge thereof,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 6

the identity of all documents relating thereto, and if anything was said by any person, the identity of each such person and each such oral statement, and if the oral statement in whole or in part was contained, reported, summarized or referred to in any documents, the identity of each such document.

V. The term "person" means any individual, partnership, corporation, firm, association, or other business or legal entity.

W. The terms "and" and "or" wherever used herein shall be understood in both the conjunctive and disjunctive sense, synonymous with "and/or."

X. The terms "any" and "all" wherever used herein shall be understood in their most inclusive sense, synonymous with "any or all."

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"Identity" or "identify" means:

(a) when used with reference to a natural person, to state his or her full name, his or her present home address, present business address, present home and business telephone numbers, occupation, present or last known position, and business affiliation;

(b) when used in reference to any entity, such as a partnership, joint venture, trust, or corporation, to state the full legal name of such entity, each name under which such entity does business, the entity's street address, the entity's telephone number, the identity of the chief operating officer, manager, trustee, or other principal representative and the identity of those persons employed by or otherwise acting for such entity who are known or are believed to possess the knowledge or information responsive to the interrogatory and for which the entity was identified;

(c) when used with reference to documents, to state specifically:

(i) the type of documents involved (e.g., letter, interoffice memorandum, etc.), together with information sufficient to enable defendant to locate the document, such as its date, the name of any addressee, the name of any

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 7

signer, the title or heading of the documents and its approximate number of pages; and

(ii) the identity of the person last known to have possession of the document, together with the present or last known location of the document. If any document was, but is no longer, in your possession, custody or control, identify the document, state what disposition was made of it and the reason for such disposition. In lieu of identifying documents, copies may be provided.

(d) when used with reference to damages or injuries, to state specifically:

(i) the date on which the damage or injury occurred,

(ii) the monetary value of the damage or injury, and

(iii) any other persons or entities involved in the events or circumstances giving rise to the alleged damage or injury.

(e) when used with reference to a legal action, to state specifically:

(i) the date and place each such action was filed, giving the name of the court and the name of the other party or parties involved, the cause number, and the names and addresses of the attorneys representing each party;

(ii) a description of the nature of each action; and

(iii) the result of each such action, whether there was an appeal, the results of the appeal, whether such case was reported and the name, volume number and page citation of such report.

INTERROGATORIES

INTERROGATORY NO. 1.: Please identify every person who has been a member of the Board of OFC since April 1993, including all current members of the Board of OFC.

ANSWER:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 8

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

INTERROGATORY NO. 2.: Please identify every person who was a staff member of OFC at the time the Israel Boycott and Divestment policies were considered and/or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 3.: Please identify every communication from a staff member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 4.: Please identify any expert witness you expect to

call at trial and, as to each such witness, provide:

- (a) The person's name, occupation, title, business address, area of specialization, if any, and professional relationship to you;
- (b) The subject matter on which the person is expected to testify;
- (c) The substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion;
- (d) All data or other information considered by the person in forming his or her opinions;
- (e) A statement of the person's qualifications, including a list of all publications authored by the person in the past 10 years;
- (f) The identity of any exhibits to be used as a summary of or support for the person's opinions;
- (g) The compensation to be paid to the person in connection with his or her work as an expert witness; and

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 9

(h) A list of all other cases in which the person has testified by deposition or at trial and the identity of the attorneys who questioned the person.

ANSWER:

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce all documents that relate in any way to boycotting and/or divesting from Israel, including but not limited to all documents that were considered by the Board of OFC in enacting the Israel Boycott and Divestment policies; all committee or Board minutes relating to the Israel Boycott and Divestment policies; notes and comments relating to those minutes; and all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in enacting the Israel Boycott and Divestment policies and/or procedures considered and/or followed by the Board of OFC in enacting the Israel Boycott and Divestment policies.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2.: To the extent not produced in response to a prior request for production, please produce all documents relating to any effort or consideration given by the Board of OFC to boycotting products of any country or geographic area other than Israel—whether such boycott was enacted or not—including but not limited to all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in connection therewith.

RESPONSE:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 10

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

REQUEST FOR PRODUCTION NO. 3.: To the extent not produced in response to a prior request for production, please produce all documents that relate in any way to the rules and/or procedures of OFC regarding boycotts, including but not limited to any previous boycott policies and/or procedures and any changes to such policies and/or procedures.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4.: To the extent not produced in response to a prior request for production, please produce all communications between yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any product or products, including but not limited to communications relating to the boycott policies and procedures of OFC.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5.: Please produce all documents identified in your Answer to Interrogatory No. 3.

RESPONSE:

INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of September, 2011.

McNAULEBEL NAWROT & HELGREN PLC By: Robert M. Sulkin, WSBA No. 15425

Robert M. Sulkin, WSBA No. 15425 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 11

1	ANSWERS AND RESPONSES dated this day of, 2011.
2	
3	Ву:
4	By: ERIN GENIA, Defendant
5	
6	CERTIFICATION
7	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery</i>
8	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery</i> <i>Requests to Defendants</i> and any objections thereto, and the answers, responses and objections are in compliance with CR 26(g).
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10	Ву:
11	, Attorney for Defendants
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I	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 12 LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816

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1	VERIFICATION	
2	STATE OF WASHINGTON)	
3	COUNTY OF KING) ss.	
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5 6	On this day of, 2011, before me, a Notary Public in and for the State of Washington, personally appeared ERIN GENIA, the party who executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said party for the uses and purposes therein mentioned.	
7	WITNESS my hand and official seal hereto affixed the day and year first as above	
8	written.	
9	Name:	
10	NOTARY PUBLIC in and for the State of	
11	Residing at My appointment expires:	
12	[NOTARIAL SEAL]	
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PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 13

1		Hon. Paula Casey
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8	SUPERIOR COURT OF WASHING	TON FOR THURSTON COUNTY
9 10	KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSAN MAYER, derivatively on behalf of	No. 11-2-01925-7
11	OLYMPIA FOOD COOPERATIVE,	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS
	Plaintiffs,	
12	ν.	
13	GRACE COX; ROCHELLE GAUSE;	
14 15	ERIN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON LAVIGNE;	
16	HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA	
17	SOKOLOFF; and JOELLEN REINECK WILHELM,	
18	Defendants.	
19		
20	TO: T.J. JOHNSON, Defendant.	
21	Pursuant to CR 33 and CR 34, Plaintiff	s Kent and Linda Davis, Jeffrey and Susan
22	Trinin, and Susan Mayer, derivatively on beha	If of Olympia Food Cooperative (referred to
23	herein as "OFC") (referred to collectively here	in as "Plaintiffs"), request that Defendant
24	T.J. JOHNSON ("Defendant") respond to the	following interrogatories and requests for
25	production.	
26	Pursuant to CR 33, you are being serve	ed with the original and one copy of the
	11	LAW OFFICES OF

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 1

interrogatories. To facilitate preparation of answers and responses, Plaintiffs will additionally provide an electronic copy of the document to you by electronic mail at your request. Please insert your answers on the original in the space provided following each interrogatory, or use additional pages if necessary. Please serve the completed original on the undersigned. Each interrogatory is to be answered fully and separately, in writing and under oath, within 40 days of service upon you.

Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the service thereof, produce for inspection and copying the documents described below at the offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University Street, Suite 2700, Seattle, Washington 98101.

INSTRUCTIONS AND DEFINITIONS

The following definitions and instructions are intended to supplement those set forth in the Local Civil Rules, and are not intended to broaden such definitions and instructions.

A. The term "Lawsuit" whenever used herein shall be understood to mean the case known as Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer, derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne; Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer; Julia Sokoloff; and Joellen Reineck Wilhelm, now pending in Thurston County Superior Court.

B. The terms "you" and "your" whenever used herein shall be understood to mean Defendant T.J. JOHNSON individually, as well as T.J. JOHNSON's current and former attorneys, agents, principals, employees, and/or representatives.

C. The term "Board of OFC," as used herein, shall be understood to mean the Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

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agents, principals, employees, and/or representatives.

D. The term "Boycott Policy," as used herein, shall be understood to mean the policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding the means, terms, exceptions, and procedures by which OFC shall, "whenever possible...honor nationally recognized boycotts."

E. The term "Israel Boycott," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

F. The term "Divestment," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

G. The term "Israel Boycott and Divestment policies," as used herein, shall be understood to mean the policies that came into existence as a result of the decisions described in paragraphs D and E herein.

H. These interrogatories and requests for production are intended to be a continuing obligation upon Defendant to furnish all information requested herein until final disposition of this case. Corrections and supplemental responses are required as provided for in the Rules of Civil Procedure. Plaintiffs will move the Court to exclude the testimony of any person not identified or evidence not disclosed in answers to these interrogatories, and will move to dismiss any claims related to any requested documents within the possession, custody or control of Defendant that Defendant fails to produce or to identify individually on a privilege log in response to these requests, and will move to exclude any other evidence offered by Defendant related to such documents.

I. These requests seek documents and information in the possession, custody, or control of Defendant, including (by way of example and not limitation) documents and information in the possession of Defendant's current and former attorneys, agents, principals, accountants, and appraisers.

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J. In responding to each request for production, if you do not produce a document in whole or in part because you are unable to do so, or for any other reason, you are requested to state the name and address of each person whom you believe has custody, possession, or control of the document.

K. Objections and claims of privilege should not be made in a general, blanket fashion. Rather, Defendant must indicate which objections or claims of privilege are asserted with regard to each discovery request. If only part of a discovery request is objected to, Defendant should indicate which objections or claims of privilege are asserted with regard to each such part.

L. With regard to attorney-client privilege and work product doctrine objections to interrogatories, describe the factual basis for your claim of privilege, including relevant dates, persons involved in the communication, subject matters involved, all persons present when the communications occurred, all persons who have been told about any of the details of the communication, and other information which would permit the Court to adjudicate the validity of the claim of privilege.

M. With regard to each document withheld upon a claim of attorney-client privilege or work product doctrine, prepare a document-by-document privilege log stating the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended recipient(s), subject matter(s), and persons who have received the document or have been told about the contents thereof, and other information which would permit the Court to adjudicate the validity of the claim or privilege. This privilege log must be produced contemporaneously with the documents produced in response to these requests.

N. If you object in part to any request for production, please respond to the remainder completely.

O. In responding to each request for production, please identify by number each and every request to which the documents are responsive.

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P. All documents should be produced in the same order as they are kept or maintained by you in the ordinary course of business and in the manual, booklet, binder, file, folder, envelope, or other container in which they are ordinarily kept or maintained. If for any reason the container cannot be produced, produce copies of all labels or other identifying markings thereon.

The term "documents" or "records" are intended to be interchangeable and Q. to be construed in their broadest sense including, but not limited to any original, recorded, or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all non-identical copies of each such writing (whether different from the original because of notes made on such copy or otherwise), including but not limited to: reports, drafts, working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings, schedules, cost sheets and quotation forms, bids, computer-generated and mechanicallycreated records, laser disks, compact disks, quotations, transcriptions of telephone conversations, notes, diaries, printouts, photographs, movies, mechanical or sound recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams, tape recordings, transmittal documents, rough letters, revisions, superseded documents, telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading, amendments, modifications, revisions, agreements, bills, estimates, statements of account, claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and all other manner and form of communication not otherwise expressly described.

As noted, the terms "documents" or "records" include, among other information, information stored in machine-readable form. In determining where responsive documents in this form might be located, consider whether you have any equipment or media which contain "documents" as defined herein, including but not limited to:

(1) Desktop personal computers (PCs) or workstations; PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or

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electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for work-related purposes.

(2) Backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party; and,

(3) Electronic mail messages, even if available only on backup or archive disks or tapes.

R. Except as otherwise specified herein, provide responsive machine-readable information in its original format. All databases should be in either MS Excel or MS Access. All other files should be in MS Office format, preferably 2000. All e-mail should be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM. If you have any questions concerning what constitutes an appropriate format, please contact counsel for Plaintiffs.

S. Unless otherwise specified herein, the term "computer" includes but is not limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for workrelated purposes.

T. As used herein, the term "backup" includes but is not limited to backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party.

U. As used herein, the phrase "describe" means to set out every aspect of every fact, circumstance, act, omission, or course of conduct known to you relating in any way to the matter inquired about, including, without limitation, the date and place thereof, the identity of each person present, connected therewith, or who has knowledge thereof,

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the identity of all documents relating thereto, and if anything was said by any person, the identity of each such person and each such oral statement, and if the oral statement in whole or in part was contained, reported, summarized or referred to in any documents, the identity of each such document.

V. The term "person" means any individual, partnership, corporation, firm, association, or other business or legal entity.

W. The terms "and" and "or" wherever used herein shall be understood in both the conjunctive and disjunctive sense, synonymous with "and/or."

X. The terms "any" and "all" wherever used herein shall be understood in their most inclusive sense, synonymous with "any or all."

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Y. "Identity" or "identify" means:

(a) when used with reference to a natural person, to state his or her full name, his or her present home address, present business address, present home and business telephone numbers, occupation, present or last known position, and business affiliation;

(b) when used in reference to any entity, such as a partnership, joint venture, trust, or corporation, to state the full legal name of such entity, each name under which such entity does business, the entity's street address, the entity's telephone number, the identity of the chief operating officer, manager, trustee, or other principal representative and the identity of those persons employed by or otherwise acting for such entity who are known or are believed to possess the knowledge or information responsive to the interrogatory and for which the entity was identified;

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(c) when used with reference to documents, to state specifically:

(i) the type of documents involved (e.g., letter, interoffice memorandum, etc.), together with information sufficient to enable defendant to locate the document, such as its date, the name of any addressee, the name of any

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 7

signer, the title or heading of the documents and its approximate number of pages; 1 2 and the identity of the person last known to have possession of (ii) 3 the document, together with the present or last known location of the document. If 4 any document was, but is no longer, in your possession, custody or control, 5 identify the document, state what disposition was made of it and the reason for 6 such disposition. In lieu of identifying documents, copies may be provided. 7 8 (d) when used with reference to damages or injuries, to state 9 specifically: the date on which the damage or injury occurred, 10 (i) the monetary value of the damage or injury, and 11 (ii) any other persons or entities involved in the events or 12 (iii) 13 circumstances giving rise to the alleged damage or injury. when used with reference to a legal action, to state specifically: 14 (e) the date and place each such action was filed, giving the 15 (i) name of the court and the name of the other party or parties involved, the cause 16 number, and the names and addresses of the attorneys representing each party; 17 a description of the nature of each action; and 18 (ii) the result of each such action, whether there was an appeal, 19 (iii) 20 the results of the appeal, whether such case was reported and the name, volume 21 number and page citation of such report. 22 **INTERROGATORIES** INTERROGATORY NO. 1 .: Please identify every person who has been a 23 member of the Board of OFC since April 1993, including all current members of the Board .24 25 of OFC. 26 ANSWER:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 8

INTERROGATORY NO. 2.: Please identify every person who was a staff 1 member of OFC at the time the Israel Boycott and Divestment policies were considered 2 3 and/or enacted by the Board of OFC. 4 ANSWER: 5 6 7 **INTERROGATORY NO. 3.**: Please identify every communication from a staff 8 member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the 9 Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted 10 11 by the Board of OFC. 12 **ANSWER:** 13 14 15 INTERROGATORY NO. 4.; Please identify any expert witness you expect to 16 17 call at trial and, as to each such witness, provide: (a) The person's name, occupation, title, business address, area of 18 specialization, if any, and professional relationship to you; 19 The subject matter on which the person is expected to testify; (b) 20 The substance of the facts and opinions to which the person is expected to (c) testify and a summary of the grounds for each opinion; 21 All data or other information considered by the person in forming his or her (d) 22 opinions; A statement of the person's qualifications, including a list of all 23 (e) publications authored by the person in the past 10 years; 24 The identity of any exhibits to be used as a summary of or support for the (f) person's opinions; 25 The compensation to be paid to the person in connection with his or her (g) 26 work as an expert witness; and

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 9

A list of all other cases in which the person has testified by deposition or at trial and the identity of the attorneys who questioned the person.

ANSWER:

(h)

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce all documents that relate in any way to boycotting and/or divesting from Israel, including but not limited to all documents that were considered by the Board of OFC in enacting the Israel Boycott and Divestment policies; all committee or Board minutes relating to the Israel Boycott and Divestment policies; notes and comments relating to those minutes; and all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in enacting the Israel Boycott and Divestment policies.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2.: To the extent not produced in response to a prior request for production, please produce all documents relating to any effort or consideration given by the Board of OFC to boycotting products of any country or geographic area other than Israel—whether such boycott was enacted or not—including but not limited to all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in connection therewith.

RESPONSE:

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REQUEST FOR PRODUCTION NO. 3.: To the extent not produced in response to a prior request for production, please produce all documents that relate in any way to the rules and/or procedures of OFC regarding boycotts, including but not limited to any previous boycott policies and/or procedures and any changes to such policies and/or procedures.

RESPONSE:

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REQUEST FOR PRODUCTION NO. 4.: To the extent not produced in response to a prior request for production, please produce all communications between yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any product or products, including but not limited to communications relating to the boycott policies and procedures of OFC.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5.: Please produce all documents

identified in your Answer to Interrogatory No. 3.

RESPONSE:

INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC

By: Robert M. Sulkin, WSBA No. 15425 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 11

1	ANSWERS AND RESPONSES dated this day of, 2011.
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;	Ву:
	By: T.J. JOHNSON, Defendant
	CERTIFICATION
	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery</i>
	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery</i> <i>Requests to Defendants</i> and any objections thereto, and the answers, responses and objections are in compliance with CR 26(g).
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Seattle, Washington 98101-3143 (206) 467-1816

DEFENDANTS – Page 12

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1	VERIFICATION
2	STATE OF WASHINGTON
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4	out in the OO11 before we a Natory Public in and for the
5	On this day of, 2011, before me, a Notary Public in and for the State of Washington, personally appeared T.J. JOHNSON, the party who executed the within and foregoing instrument, and acknowledged said instrument to be the free and
6	voluntary act and deed of said party for the uses and purposes therein mentioned.
7	WITNESS my hand and official seal hereto affixed the day and year first as above
8	written.
9	Name: NOTARY PUBLIC in and for the State
10	of
11	Residing at My appointment expires:
12	[NOTARIAL SEAL]
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LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816

2822-001 ai075z06t6 2011-09-07

Hon. Paula Casey

4 5 6 7 7 8 8 SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY 9 KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSAN 10 MAYER, derivatively on behalf of OLYMPIA FOOD COOPERATIVE, Plaintiffs, 11 Plaintiffs, 12 V. 13 GRACE COX; ROCHELLE GAUSE; 14 ERN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI; JACKIE KRZYZEK; 15 JESICA LAING; RON LAVIGNE; 14 HARRY LEVINE; ERIC MAPES; JOHN NASON; SUZANNE SHAFER; JULIA 16 NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA 17 SOKOLOFF; and JOELLEN REINECK WILHELM, 18 Defendants. 19 Defendants. 10 TO: JAYNE KASZYNSKI, Defendant. 11 Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan 11 Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant 14 JAYNE KASZYNSKI ("Defendant") respond to the following interrogatories and requests for production. 12 Pursuant to CR 33, you are being served with the original and o	3	
6 7 7 8 8 SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY 9 KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSAN MAYER, derivatively on behalf of OLYMPIA FOOD COOPERATIVE, No. 11-2-01925-7 10 DYMPIA FOOD COOPERATIVE, No. 11-2-01925-7 11 Plaintiffs, No. 11-2-01925-7 12 V. REQUESTS TO DEFENDANTS 13 V. REQUESTS TO DEFENDANTS 14 GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON, JAYNE KASZYNSKI; JACKIE KRZYZEK; No. 11-2-01925-7 15 JESSICA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM, Defendants. 16 NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM, Defendants. 17 SOKOLOFF; and JOELLEN REINECK WILHELM, Defendants. 18 Defendants. TO: 20 TO: JAYNE KASZYNSKI, Defendant. 21 Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan 22 Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant <	4	
7 8 SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY 9 KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSAN MAYER, derivatively on behalf of OLYMPIA FOOD COOPERATIVE, No. 11-2-01925-7 10 MAYER, derivatively on behalf of OLYMPIA FOOD COOPERATIVE, No. 11-2-01925-7 11 Plaintiffs, Plaintiffs, 12 v. GRACE COX; ROCHELLE GAUSE; 14 ERIN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI; JACKIE KRZYZEK; FESSICA LAING; RON LAVIGNE; 15 JESSICA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM, Defendants. 19 Defendants. TO: JAYNE KASZYNSKI, Defendant. 19 To: JAYNE KASZYNSKI, Defendant. Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant JAYNE KASZYNSKI ("Defendant") respond to the following interrogatories and requests for production.	5	
 8 SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY 9 KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSAN MAYER, derivatively on behalf of OLYMPIA FOOD COOPERATIVE, 11 Plaintiffs, 12 v. 13 GRACE COX; ROCHELLE GAUSE; 14 ERIN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI; JACKLE KRZYZEK; JESSICA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM, 10 TO: JAYNE KASZYNSKI, Defendant. 20 TO: JAYNE KASZYNSKI, Defendant. 21 Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant 24 JAYNE KASZYNSKI ("Defendant") respond to the following interrogatories and requests for production. 	6	
 KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSAN MAYER, derivatively on behalf of OLYMPIA FOOD COOPERATIVE, Plaintiffs, v. GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI, JACKIE KRZYZEK; JESSICA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM, Defendants. TO: JAYNE KASZYNSKI, Defendant. Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant JAYNE KASZYNSKI ("Defendant") respond to the following interrogatories and requests for production. 	7	
 and SUSAN TRININ; and SUSAN MAYER, derivatively on behalf of OLYMPIA FOOD COOPERATIVE, Plaintiffs, v. GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM, Defendants. TO: JAYNE KASZYNSKI, Defendant. To: JAYNE KASZYNSKI, Defendant. Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant JAYNE KASZYNSKI ("Defendant") respond to the following interrogatories and requests for production. 	8	SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY
 MAYER derivatively on behalf of OLYMPIA FOOD COOPERATIVE, Plaintiffs, V. GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T. J. JOHNSON; JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM, Defendants. TO: JAYNE KASZYNSKI, Defendant. Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant JAYNE KASZYNSKI ("Defendant") respond to the following interrogatories and requests for production. 	9	KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ: and SUSAN No. 11-2-01925-7
 v. GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM, Defendants. TO: JAYNE KASZYNSKI, Defendant. Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant JAYNE KASZYNSKI ("Defendant") respond to the following interrogatories and requests for production. 	1	MAYER, derivatively on behalf of OLYMPIA FOOD COOPERATIVE, REQUESTS TO DEFENDANTS
 13 GRACE COX; ROCHELLE GAUSE; 14 ERIN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI; JACKIE KRZYZEK; 15 JESSICA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM, 18 19 20 TO: JAYNE KASZYNSKI, Defendant. 21 Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan 22 Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant 24 JAYNE KASZYNSKI ("Defendant") respond to the following interrogatories and requests for production. 	12	
 14 ERIN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN 16 NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM, 18 Defendants. 19 TO: JAYNE KASZYNSKI, Defendant. 20 TO: JAYNE KASZYNSKI, Defendant. 21 Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan 22 Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to 23 herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant 24 JAYNE KASZYNSKI ("Defendant") respond to the following interrogatories and 25 requests for production. 	13	
 JESSICA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM, Defendants. TO: JAYNE KASZYNSKI, Defendant. Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant JAYNE KASZYNSKI ("Defendant") respond to the following interrogatories and requests for production. 		ERIN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI; JACKIE KRZYZEK;
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	24	JAYNE KASZYNSKI ("Defendant") respond to the following interrogatories and
26 Pursuant to CR 33, you are being served with the original and one copy of the	25	requests for production.
	26	Pursuant to CR 33, you are being served with the original and one copy of the

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 1



interrogatories. To facilitate preparation of answers and responses, Plaintiffs will additionally provide an electronic copy of the document to you by electronic mail at your request. Please insert your answers on the original in the space provided following each interrogatory, or use additional pages if necessary. Please serve the completed original on the undersigned. Each interrogatory is to be answered fully and separately, in writing and under oath, within 40 days of service upon you.

Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the service thereof, produce for inspection and copying the documents described below at the offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University Street, Suite 2700, Seattle, Washington 98101.

INSTRUCTIONS AND DEFINITIONS

The following definitions and instructions are intended to supplement those set forth in the Local Civil Rules, and are not intended to broaden such definitions and instructions.

A. The term "Lawsuit" whenever used herein shall be understood to mean the case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer, derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne; Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer; Julia Sokoloff; and Joellen Reineck Wilhelm, now pending in Thurston County Superior Court.*

B. The terms "you" and "your" whenever used herein shall be understood to mean Defendant JAYNE KASZYNSKI individually, as well as JAYNE KASZYNSKI's current and former attorneys, agents, principals, employees, and/or representatives.

C. The term "Board of OFC," as used herein, shall be understood to mean the Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 2

agents, principals, employees, and/or representatives.

D. The term "Boycott Policy," as used herein, shall be understood to mean the policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding the means, terms, exceptions, and procedures by which OFC shall, "whenever possible…honor nationally recognized boycotts."

E. The term "Israel Boycott," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

F. The term "Divestment," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

G. The term "Israel Boycott and Divestment policies," as used herein, shall be understood to mean the policies that came into existence as a result of the decisions described in paragraphs D and E herein.

H. These interrogatories and requests for production are intended to be a continuing obligation upon Defendant to furnish all information requested herein until final disposition of this case. Corrections and supplemental responses are required as provided for in the Rules of Civil Procedure. Plaintiffs will move the Court to exclude the testimony of any person not identified or evidence not disclosed in answers to these interrogatories, and will move to dismiss any claims related to any requested documents within the possession, custody or control of Defendant that Defendant fails to produce or to identify individually on a privilege log in response to these requests, and will move to exclude any other evidence offered by Defendant related to such documents.

I. These requests seek documents and information in the possession, custody, or control of Defendant, including (by way of example and not limitation) documents and information in the possession of Defendant's current and former attorneys, agents, principals, accountants, and appraisers.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 3

J. In responding to each request for production, if you do not produce a document in whole or in part because you are unable to do so, or for any other reason, you are requested to state the name and address of each person whom you believe has custody, possession, or control of the document.

K. Objections and claims of privilege should not be made in a general, blanket fashion. Rather, Defendant must indicate which objections or claims of privilege are asserted with regard to each discovery request. If only part of a discovery request is objected to, Defendant should indicate which objections or claims of privilege are asserted with regard to each such part.

L. With regard to attorney-client privilege and work product doctrine objections to interrogatories, describe the factual basis for your claim of privilege, including relevant dates, persons involved in the communication, subject matters involved, all persons present when the communications occurred, all persons who have been told about any of the details of the communication, and other information which would permit the Court to adjudicate the validity of the claim of privilege.

M. With regard to each document withheld upon a claim of attorney-client privilege or work product doctrine, prepare a document-by-document privilege log stating the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended recipient(s), subject matter(s), and persons who have received the document or have been told about the contents thereof, and other information which would permit the Court to adjudicate the validity of the claim or privilege. This privilege log must be produced contemporaneously with the documents produced in response to these requests.

N. If you object in part to any request for production, please respond to the remainder completely.

O. In responding to each request for production, please identify by number each and every request to which the documents are responsive.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 4

P. All documents should be produced in the same order as they are kept or maintained by you in the ordinary course of business and in the manual, booklet, binder, file, folder, envelope, or other container in which they are ordinarily kept or maintained. If for any reason the container cannot be produced, produce copies of all labels or other identifying markings thereon.

The term "documents" or "records" are intended to be interchangeable and О. to be construed in their broadest sense including, but not limited to any original, recorded, or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all non-identical copies of each such writing (whether different from the original because of notes made on such copy or otherwise), including but not limited to: reports, drafts, working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings, schedules, cost sheets and quotation forms, bids, computer-generated and mechanicallycreated records, laser disks, compact disks, quotations, transcriptions of telephone conversations, notes, diaries, printouts, photographs, movies, mechanical or sound recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams, tape recordings, transmittal documents, rough letters, revisions, superseded documents, telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading, amendments, modifications, revisions, agreements, bills, estimates, statements of account, claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and all other manner and form of communication not otherwise expressly described.

As noted, the terms "documents" or "records" include, among other information, information stored in machine-readable form. In determining where responsive documents in this form might be located, consider whether you have any equipment or media which contain "documents" as defined herein, including but not limited to:

(1) Desktop personal computers (PCs) or workstations; PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 5

electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for work-related purposes.

(2) Backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party; and,

(3) Electronic mail messages, even if available only on backup or archive disks or tapes.

R. Except as otherwise specified herein, provide responsive machine-readable information in its original format. All databases should be in either MS Excel or MS Access. All other files should be in MS Office format, preferably 2000. All e-mail should be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM. If you have any questions concerning what constitutes an appropriate format, please contact counsel for Plaintiffs.

S. Unless otherwise specified herein, the term "computer" includes but is not limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for workrelated purposes.

T. As used herein, the term "backup" includes but is not limited to backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party.

U. As used herein, the phrase "describe" means to set out every aspect of every fact, circumstance, act, omission, or course of conduct known to you relating in any way to the matter inquired about, including, without limitation, the date and place thereof, the identity of each person present, connected therewith, or who has knowledge thereof,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 6

the identity of all documents relating thereto, and if anything was said by any person, the identity of each such person and each such oral statement, and if the oral statement in whole or in part was contained, reported, summarized or referred to in any documents, the identity of each such document.

V. The term "person" means any individual, partnership, corporation, firm, association, or other business or legal entity.

W. The terms "and" and "or" wherever used herein shall be understood in both the conjunctive and disjunctive sense, synonymous with "and/or."

X. The terms "any" and "all" wherever used herein shall be understood in their most inclusive sense, synonymous with "any or all."

Y.

"Identity" or "identify" means:

 (a) when used with reference to a natural person, to state his or her full name, his or her present home address, present business address, present home and business telephone numbers, occupation, present or last known position, and business affiliation;

(b) when used in reference to any entity, such as a partnership, joint venture, trust, or corporation, to state the full legal name of such entity, each name under which such entity does business, the entity's street address, the entity's telephone number, the identity of the chief operating officer, manager, trustee, or other principal representative and the identity of those persons employed by or otherwise acting for such entity who are known or are believed to possess the knowledge or information responsive to the interrogatory and for which the entity was identified;

(c) when used with reference to documents, to state specifically:

 (i) the type of documents involved (e.g., letter, interoffice memorandum, etc.), together with information sufficient to enable defendant to locate the document, such as its date, the name of any addressee, the name of any

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 7

signer, the title or heading of the documents and its approximate number of pages; and

(ii) the identity of the person last known to have possession of the document, together with the present or last known location of the document. If any document was, but is no longer, in your possession, custody or control, identify the document, state what disposition was made of it and the reason for such disposition. In lieu of identifying documents, copies may be provided.

(d) when used with reference to damages or injuries, to state specifically:

(i) the date on which the damage or injury occurred,

(ii) the monetary value of the damage or injury, and

(iii) any other persons or entities involved in the events or circumstances giving rise to the alleged damage or injury.

(e) when used with reference to a legal action, to state specifically:

(i) the date and place each such action was filed, giving the name of the court and the name of the other party or parties involved, the cause number, and the names and addresses of the attorneys representing each party;

(ii) a description of the nature of each action; and

(iii) the result of each such action, whether there was an appeal, the results of the appeal, whether such case was reported and the name, volume number and page citation of such report.

INTERROGATORIES

INTERROGATORY NO. 1.: Please identify every person who has been a member of the Board of OFC since April 1993, including all current members of the Board of OFC.

ANSWER:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 8

INTERROGATORY NO. 2.: Please identify every person who was a staff member of OFC at the time the Israel Boycott and Divestment policies were considered and/or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 3.: Please identify every communication from a staff member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 4.: Please identify any expert witness you expect to call at trial and, as to each such witness, provide: The person's name, occupation, title, business address, area of (a) specialization, if any, and professional relationship to you; The subject matter on which the person is expected to testify; (b) The substance of the facts and opinions to which the person is expected to (c) testify and a summary of the grounds for each opinion; All data or other information considered by the person in forming his or her (d) opinions; A statement of the person's qualifications, including a list of all (e) publications authored by the person in the past 10 years; The identity of any exhibits to be used as a summary of or support for the (f) person's opinions; The compensation to be paid to the person in connection with his or her (g) work as an expert witness; and

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 9

A list of all other cases in which the person has testified by deposition or at trial and the identity of the attorneys who questioned the person.

ANSWER:

(h)

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce all documents that relate in any way to boycotting and/or divesting from Israel, including but not limited to all documents that were considered by the Board of OFC in enacting the Israel Boycott and Divestment policies; all committee or Board minutes relating to the Israel Boycott and Divestment policies; notes and comments relating to those minutes; and all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in enacting the Israel Boycott and Divestment policies.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2.: To the extent not produced in response to a prior request for production, please produce all documents relating to any effort or consideration given by the Board of OFC to boycotting products of any country or geographic area other than Israel—whether such boycott was enacted or not—including but not limited to all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in connection therewith.

RESPONSE:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 10

REQUEST FOR PRODUCTION NO. 3.: To the extent not produced in response to a prior request for production, please produce all documents that relate in any way to the rules and/or procedures of OFC regarding boycotts, including but not limited to any previous boycott policies and/or procedures and any changes to such policies and/or procedures.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4.: To the extent not produced in response to a prior request for production, please produce all communications between yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any product or products, including but not limited to communications relating to the boycott policies and procedures of OFC.

<u>RESPONSE</u>:

REQUEST FOR PRODUCTION NO. 5.: Please produce all documents identified in your Answer to Interrogatory No. 3.

RESPONSE:

INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of September, 2011.

MCNAUL EBEL NAWROT & HELGREN By: Robert M. Sulkin, WSBA No. 15425 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 11 LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816

1	ANSWERS AND RESPONSES dated this day of, 2011.
2	
3	By:
4	By:
5	
6	CERTIFICATION
7	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery Requests to Defendants</i> and any objections thereto, and the answers, responses and objections are in compliance with CR $26(g)$.
8	objections are in compliance with CR 26(g).
9	
10	By:
11	, Attorney for Defendants
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I	LAW OFFICES OF PLAINTIFFS' FIRST DISCOVERY REQUESTS TO MCNAUL EBEL NAWROT & HELGR

DEFENDANTS – Page 12
	VER	UFICATION
STATE OF WASHINGTON)		
COUNTY OF KING_) ss.)	
On this State of Washington, p	day of ersonally appeared	, 2011, before me, a Notary Public in and for the JAYNE KASZYNSKI, the party who executed
the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said party for the uses and purposes therein mentioned.		
WITNESS my hand and official seal hereto affixed the day and year first as above		
written.		
	-	Name:
		NOTARY PUBLIC in and for the State of
		Residing at
[NOTARIAL SEAL]		
		· · · ·
	•	
	•	
•		
	COUNTY OF KING On this State of Washington, p the within and foregoin voluntary act and deed WITNESS my written.	STATE OF WASHINGTON)) ss. COUNTY OF KING) On thisday of State of Washington, personally appeared the within and foregoing instrument, and voluntary act and deed of said party for the WITNESS my hand and official s written.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 13

2		· · · · · · · · · · · · · · · · · · ·
3	•	
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7		
8	SUPERIOR COURT OF WASHINGT	ON FOR THURSTON COUNTY
9	KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSAN MAYER, derivatively on behalf of	No. 11-2-01925-7
11	OLYMPIA FOOD COOPERATIVE,	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS
12	Plaintiffs,	
13	v .	
14	GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE	
15	KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON LAVIGNE;	
16	HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB	
17	RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK	
18	WILHELM,	
19	Defendants.	
20	TO: JACKIE KRZYZEK, Defendan	
21	Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan	
22	Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to	
23	herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant	
24	JACKIE KRZYZEK ("Defendant") respond to the following interrogatories and requests	
25	for production.	
26	Pursuant to CR 33, you are being served with the original and one copy of the	

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 1

1

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

ORIGINAL

interrogatories. To facilitate preparation of answers and responses, Plaintiffs will additionally provide an electronic copy of the document to you by electronic mail at your request. Please insert your answers on the original in the space provided following each interrogatory, or use additional pages if necessary. Please serve the completed original on the undersigned. Each interrogatory is to be answered fully and separately, in writing and under oath, within 40 days of service upon you.

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B. The terms "you" and "your" whenever used herein shall be understood to mean Defendant JACKIE KRZYZEK individually, as well as JACKIE KRZYZEK's current and former attorneys, agents, principals, employees, and/or representatives.

C. The term "Board of OFC," as used herein, shall be understood to mean the Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 2

agents, principals, employees, and/or representatives.

D. The term "Boycott Policy," as used herein, shall be understood to mean the policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding the means, terms, exceptions, and procedures by which OFC shall, "whenever possible...honor nationally recognized boycotts."

E. The term "Israel Boycott," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

F. The term "Divestment," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

^e G. The term "Israel Boycott and Divestment policies," as used herein, shall be understood to mean the policies that came into existence as a result of the decisions described in paragraphs D and E herein.

H. These interrogatories and requests for production are intended to be a continuing obligation upon Defendant to furnish all information requested herein until final disposition of this case. Corrections and supplemental responses are required as provided for in the Rules of Civil Procedure. Plaintiffs will move the Court to exclude the testimony of any person not identified or evidence not disclosed in answers to these interrogatories, and will move to dismiss any claims related to any requested documents within the possession, custody or control of Defendant that Defendant fails to produce or to identify individually on a privilege log in response to these requests, and will move to exclude any other evidence offered by Defendant related to such documents.

I. These requests seek documents and information in the possession, custody, or control of Defendant, including (by way of example and not limitation) documents and information in the possession of Defendant's current and former attorneys, agents, principals, accountants, and appraisers.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 3

J. In responding to each request for production, if you do not produce a document in whole or in part because you are unable to do so, or for any other reason, you are requested to state the name and address of each person whom you believe has custody, possession, or control of the document.

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PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 4

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Q. The term "documents" or "records" are intended to be interchangeable and to be construed in their broadest sense including, but not limited to any original, recorded, or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all non-identical copies of each such writing (whether different from the original because of notes made on such copy or otherwise), including but not limited to: reports, drafts, working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings, schedules, cost sheets and quotation forms, bids, computer-generated and mechanicallycreated records, laser disks, compact disks, quotations, transcriptions of telephone conversations, notes, diaries, printouts, photographs, movies, mechanical or sound recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams, tape recordings, transmittal documents, rough letters, revisions, superseded documents, telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading, amendments, modifications, revisions, agreements, bills, estimates, statements of account, claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and all other manner and form of communication not otherwise expressly described.

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PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 5

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(2) Backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party; and,

(3) Electronic mail messages, even if available only on backup or archive disks or tapes.

R. Except as otherwise specified herein, provide responsive machine-readable information in its original format. All databases should be in either MS Excel or MS Access. All other files should be in MS Office format, preferably 2000. All e-mail should be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM. If you have any questions concerning what constitutes an appropriate format, please contact counsel for Plaintiffs.

S. Unless otherwise specified herein, the term "computer" includes but is not limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for workrelated purposes.

T. As used herein, the term "backup" includes but is not limited to backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party.

U. As used herein, the phrase "describe" means to set out every aspect of every fact, circumstance, act, omission, or course of conduct known to you relating in any way to the matter inquired about, including, without limitation, the date and place thereof, the identity of each person present, connected therewith, or who has knowledge thereof,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 6

the identity of all documents relating thereto, and if anything was said by any person, the identity of each such person and each such oral statement, and if the oral statement in whole or in part was contained, reported, summarized or referred to in any documents, the identity of each such document.

V. The term "person" means any individual, partnership, corporation, firm, association, or other business or legal entity.

W. The terms "and" and "or" wherever used herein shall be understood in both the conjunctive and disjunctive sense, synonymous with "and/or."

X. The terms "any" and "all" wherever used herein shall be understood in their most inclusive sense, synonymous with "any or all."

"Identity" or "identify" means:

(a) when used with reference to a natural person, to state his or her full name, his or her present home address, present business address, present home and business telephone numbers, occupation, present or last known position, and business affiliation;

(b) when used in reference to any entity, such as a partnership, joint venture, trust, or corporation, to state the full legal name of such entity, each name under which such entity does business, the entity's street address, the entity's telephone number, the identity of the chief operating officer, manager, trustee, or other principal representative and the identity of those persons employed by or otherwise acting for such entity who are known or are believed to possess the knowledge or information responsive to the interrogatory and for which the entity was identified;

Y.

(c) when used with reference to documents, to state specifically:

(i) the type of documents involved (e.g., letter, interoffice memorandum, etc.), together with information sufficient to enable defendant to locate the document, such as its date, the name of any addressee, the name of any

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 7

signer, the title or heading of the documents and its approximate number of pages; and

(ii) the identity of the person last known to have possession of the document, together with the present or last known location of the document. If any document was, but is no longer, in your possession, custody or control, identify the document, state what disposition was made of it and the reason for such disposition. In lieu of identifying documents, copies may be provided.

(d) when used with reference to damages or injuries, to state specifically:

(i) the date on which the damage or injury occurred,

(ii) the monetary value of the damage or injury, and

(iii) any other persons or entities involved in the events or circumstances giving rise to the alleged damage or injury.

(e) when used with reference to a legal action, to state specifically:

 (i) the date and place each such action was filed, giving the name of the court and the name of the other party or parties involved, the cause number, and the names and addresses of the attorneys representing each party;

(ii) a description of the nature of each action; and

(iii) the result of each such action, whether there was an appeal, the results of the appeal, whether such case was reported and the name, volume number and page citation of such report.

INTERROGATORIES

INTERROGATORY NO. 1.: Please identify every person who has been a member of the Board of OFC since April 1993, including all current members of the Board of OFC.

ANSWER:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 8 LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816

INTERROGATORY NO. 2.: Please identify every person who was a staff member of OFC at the time the Israel Boycott and Divestment policies were considered and/or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 3.: Please identify every communication from a staff member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 4.: Please identify any expert witness you expect to call at trial and, as to each such witness, provide:

- (a) The person's name, occupation, title, business address, area of specialization, if any, and professional relationship to you;
- (b) The subject matter on which the person is expected to testify;
- (c) The substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion;
- (d) All data or other information considered by the person in forming his or her opinions;
- (e) A statement of the person's qualifications, including a list of all publications authored by the person in the past 10 years;
- (f) The identity of any exhibits to be used as a summary of or support for the person's opinions;
- (g) The compensation to be paid to the person in connection with his or her work as an expert witness; and

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 9

(h) A list of all other cases in which the person has testified by deposition or at trial and the identity of the attorneys who questioned the person.

ANSWER:

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce all documents that relate in any way to boycotting and/or divesting from Israel, including but not limited to all documents that were considered by the Board of OFC in enacting the Israel Boycott and Divestment policies; all committee or Board minutes relating to the Israel Boycott and Divestment policies; notes and comments relating to those minutes; and all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in enacting the Israel Boycott and Divestment policies.

RESPONSE:

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REQUEST FOR PRODUCTION NO. 2.: To the extent not produced in response to a prior request for production, please produce all documents relating to any effort or consideration given by the Board of OFC to boycotting products of any country or geographic area other than Israel—whether such boycott was enacted or not—including but not limited to all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in connection therewith.

RESPONSE:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 10

REQUEST FOR PRODUCTION NO. 3.: To the extent not produced in response to a prior request for production, please produce all documents that relate in any way to the rules and/or procedures of OFC regarding boycotts, including but not limited to any previous boycott policies and/or procedures and any changes to such policies and/or procedures.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4.: To the extent not produced in response to a prior request for production, please produce all communications between yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any product or products, including but not limited to communications relating to the boycott policies and procedures of OFC.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5.: Please produce all documents

identified in your Answer to Interrogatory No. 3.

<u>RESPONSE</u>:

INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of September, 2011.

MCNAUL BBEL NAWROT & HELGR By: Robert M. Sulkin, WSBA No. 15425

Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 11

1	ANSWERS AND RESPONSES dated this day of, 2011.
2	
3	By: JACKIE KRZYZEK, Defendant
4	JACKIE KRZYZEK, Defendant
5	
6	CERTIFICATION
7	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery</i> <i>Requests to Defendants</i> and any objections thereto, and the answers, responses and
8	Requests to Defendants and any objections thereto, and the answers, responses and objections are in compliance with CR 26(g).
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10	Ву:
1	, Attorney for Defendants
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	LAW OFFICES PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS Page 12 CAN OFFICES MCNAUL EBEL NAWROT 600 University Street,

Scattle, Washington 98101-3143 (206) 467-1816

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DEFENDANTS – Page 12

1	VERIFICATION	
2	STATE OF WASHINGTON	
3) ss. COUNTY OF KING)	
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5	On this day of, 2011, before me, a Notary Public in and for the State of Washington, personally appeared JACKIE KRZYZEK, the party who executed the within and foregoing instrument, and acknowledged said instrument to be the free and	
6	the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said party for the uses and purposes therein mentioned.	
7	WITNESS my hand and official seal hereto affixed the day and year first as above	
8	written.	
9	Name:	
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1	Residing at My appointment expires:	
2	[NOTARIAL SEAL]	
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PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 13

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8	SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY	
9	KENT L. and LINDA DAVIS; JEFFREY	
10	and SUSAN TRININ; and SUSAN MAYER, derivatively on behalf of	
11	OLYMPIA FOOD COOPERATIVE, REQUESTS TO DEFENDANTS	
12	Plaintiffs,	
13	V.	
14	GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE	
15	KASZYNSKI; JACKIE KRZYŻEK; JESSICA LAING; RON LAVIGNE;	
16	HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB	
17	RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK	
18	WILHELM,	
19	Defendants.	
20	TO: RON LAVIGNE, Defendant.	
21	Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan	
22	Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to	
23	herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant	
24	RON LAVIGNE ("Defendant") respond to the following interrogatories and requests for	
25	production.	
26	Pursuant to CR 33, you are being served with the original and one copy of the	
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PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 1

interrogatories. To facilitate preparation of answers and responses, Plaintiffs will additionally provide an electronic copy of the document to you by electronic mail at your request. Please insert your answers on the original in the space provided following each interrogatory, or use additional pages if necessary. Please serve the completed original on the undersigned. Each interrogatory is to be answered fully and separately, in writing and under oath, within 40 days of service upon you.

Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the service thereof, produce for inspection and copying the documents described below at the offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University Street, Suite 2700, Seattle, Washington 98101.

INSTRUCTIONS AND DEFINITIONS

The following definitions and instructions are intended to supplement those set forth in the Local Civil Rules, and are not intended to broaden such definitions and instructions.

A. The term "Lawsuit" whenever used herein shall be understood to mean the case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer, derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne; Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer; Julia Sokoloff; and Joellen Reineck Wilhelm, now pending in Thurston County Superior Court.*

B. The terms "you" and "your" whenever used herein shall be understood to mean Defendant RON LAVIGNE individually, as well as RON LAVIGNE's current and former attorneys, agents, principals, employees, and/or representatives.

C. The term "Board of OFC," as used herein, shall be understood to mean the Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 2

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

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agents, principals, employees, and/or representatives.

D. The term "Boycott Policy," as used herein, shall be understood to mean the policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding the means, terms, exceptions, and procedures by which OFC shall, "whenever possible…honor nationally recognized boycotts."

E. The term "Israel Boycott," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

F. The term "Divestment," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

G. The term "Israel Boycott and Divestment policies," as used herein, shall be understood to mean the policies that came into existence as a result of the decisions described in paragraphs D and E herein.

H. These interrogatories and requests for production are intended to be a continuing obligation upon Defendant to furnish all information requested herein until final disposition of this case. Corrections and supplemental responses are required as provided for in the Rules of Civil Procedure. Plaintiffs will move the Court to exclude the testimony of any person not identified or evidence not disclosed in answers to these interrogatories, and will move to dismiss any claims related to any requested documents within the possession, custody or control of Defendant that Defendant fails to produce or to identify individually on a privilege log in response to these requests, and will move to exclude any other evidence offered by Defendant related to such documents.

I. These requests seek documents and information in the possession, custody, or control of Defendant, including (by way of example and not limitation) documents and information in the possession of Defendant's current and former attorneys, agents, principals, accountants, and appraisers.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 3

J. In responding to each request for production, if you do not produce a document in whole or in part because you are unable to do so, or for any other reason, you are requested to state the name and address of each person whom you believe has custody, possession, or control of the document.

K. Objections and claims of privilege should not be made in a general, blanket fashion. Rather, Defendant must indicate which objections or claims of privilege are asserted with regard to each discovery request. If only part of a discovery request is objected to, Defendant should indicate which objections or claims of privilege are asserted with regard to each such part.

L. With regard to attorney-client privilege and work product doctrine objections to interrogatories, describe the factual basis for your claim of privilege, including relevant dates, persons involved in the communication, subject matters involved, all persons present when the communications occurred, all persons who have been told about any of the details of the communication, and other information which would permit the Court to adjudicate the validity of the claim of privilege.

M. With regard to each document withheld upon a claim of attorney-client privilege or work product doctrine, prepare a document-by-document privilege log stating the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended recipient(s), subject matter(s), and persons who have received the document or have been told about the contents thereof, and other information which would permit the Court to adjudicate the validity of the claim or privilege. This privilege log must be produced contemporaneously with the documents produced in response to these requests.

N. If you object in part to any request for production, please respond to the remainder completely.

O. In responding to each request for production, please identify by number each and every request to which the documents are responsive.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 4

P. All documents should be produced in the same order as they are kept or maintained by you in the ordinary course of business and in the manual, booklet, binder, file, folder, envelope, or other container in which they are ordinarily kept or maintained. If for any reason the container cannot be produced, produce copies of all labels or other identifying markings thereon.

The term "documents" or "records" are intended to be interchangeable and О. to be construed in their broadest sense including, but not limited to any original, recorded, or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all non-identical copies of each such writing (whether different from the original because of notes made on such copy or otherwise), including but not limited to: reports, drafts, working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings, schedules, cost sheets and quotation forms, bids, computer-generated and mechanicallycreated records, laser disks, compact disks, quotations, transcriptions of telephone conversations, notes, diaries, printouts, photographs, movies, mechanical or sound recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams, tape recordings, transmittal documents, rough letters, revisions, superseded documents, telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading, amendments, modifications, revisions, agreements, bills, estimates, statements of account, claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and all other manner and form of communication not otherwise expressly described.

As noted, the terms "documents" or "records" include, among other information, information stored in machine-readable form. In determining where responsive documents in this form might be located, consider whether you have any equipment or media which contain "documents" as defined herein, including but not limited to:

(1) Desktop personal computers (PCs) or workstations; PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 5

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

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electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for work-related purposes.

(2) Backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party; and,

(3) Electronic mail messages, even if available only on backup or archive disks or tapes.

R. Except as otherwise specified herein, provide responsive machine-readable information in its original format. All databases should be in either MS Excel or MS Access. All other files should be in MS Office format, preferably 2000. All e-mail should be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM. If you have any questions concerning what constitutes an appropriate format, please contact counsel for Plaintiffs.

S. Unless otherwise specified herein, the term "computer" includes but is not limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for workrelated purposes.

T. As used herein, the term "backup" includes but is not limited to backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party.

U. As used herein, the phrase "describe" means to set out every aspect of every fact, circumstance, act, omission, or course of conduct known to you relating in any way to the matter inquired about, including, without limitation, the date and place thereof, the identity of each person present, connected therewith, or who has knowledge thereof,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 6

the identity of all documents relating thereto, and if anything was said by any person, the identity of each such person and each such oral statement, and if the oral statement in whole or in part was contained, reported, summarized or referred to in any documents, the identity of each such document.

V. The term "person" means any individual, partnership, corporation, firm, association, or other business or legal entity.

W. The terms "and" and "or" wherever used herein shall be understood in both the conjunctive and disjunctive sense, synonymous with "and/or."

X. The terms "any" and "all" wherever used herein shall be understood in their most inclusive sense, synonymous with "any or all."

Υ.

"Identity" or "identify" means:

(a) when used with reference to a natural person, to state his or her full name, his or her present home address, present business address, present home and business telephone numbers, occupation, present or last known position, and business affiliation;

(b) when used in reference to any entity, such as a partnership, joint venture, trust, or corporation, to state the full legal name of such entity, each name under which such entity does business, the entity's street address, the entity's telephone number, the identity of the chief operating officer, manager, trustee, or other principal representative and the identity of those persons employed by or otherwise acting for such entity who are known or are believed to possess the knowledge or information responsive to the interrogatory and for which the entity was identified;

(c) when used with reference to documents, to state specifically:

(i) the type of documents involved (e.g., letter, interoffice memorandum, etc.), together with information sufficient to enable defendant to locate the document, such as its date, the name of any addressee, the name of any

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 7

signer, the title or heading of the documents and its approximate number of pages; and

(ii) the identity of the person last known to have possession of the document, together with the present or last known location of the document. If any document was, but is no longer, in your possession, custody or control, identify the document, state what disposition was made of it and the reason for such disposition. In lieu of identifying documents, copies may be provided.

(d) when used with reference to damages or injuries, to state specifically:

(i) the date on which the damage or injury occurred,

(ii) the monetary value of the damage or injury, and

(iii) any other persons or entities involved in the events or circumstances giving rise to the alleged damage or injury.

(e) when used with reference to a legal action, to state specifically:

(i) the date and place each such action was filed, giving the name of the court and the name of the other party or parties involved, the cause number, and the names and addresses of the attorneys representing each party;

(ii) a description of the nature of each action; and

(iii) the result of each such action, whether there was an appeal, the results of the appeal, whether such case was reported and the name, volume number and page citation of such report.

INTERROGATORIES

INTERROGATORY NO. 1.: Please identify every person who has been a member of the Board of OFC since April 1993, including all current members of the Board of OFC.

ANSWER:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 8

INTERROGATORY NO. 2.: Please identify every person who was a staff member of OFC at the time the Israel Boycott and Divestment policies were considered and/or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 3.: Please identify every communication from a staff member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 4.: Please identify any expert witness you expect to call at trial and, as to each such witness, provide:

 (a) The person's name, occupation, title, business address, area of specialization, if any, and professional relationship to you;

- (b) The subject matter on which the person is expected to testify;
- (c) The substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion;
- (d) All data or other information considered by the person in forming his or her opinions;
- (e) A statement of the person's qualifications, including a list of all publications authored by the person in the past 10 years;
- (f) The identity of any exhibits to be used as a summary of or support for the person's opinions;
- (g) The compensation to be paid to the person in connection with his or her work as an expert witness; and

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 9

(h) A list of all other cases in which the person has testified by deposition or at trial and the identity of the attorneys who questioned the person.

ANSWER:

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce all documents that relate in any way to boycotting and/or divesting from Israel, including but not limited to all documents that were considered by the Board of OFC in enacting the Israel Boycott and Divestment policies; all committee or Board minutes relating to the Israel Boycott and Divestment policies; notes and comments relating to those minutes; and all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in enacting the Israel Boycott and Divestment policies and/or procedures considered and/or followed by the Board of OFC in enacting the Israel Boycott and Divestment policies.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2.: To the extent not produced in response to a prior request for production, please produce all documents relating to any effort or consideration given by the Board of OFC to boycotting products of any country or geographic area other than Israel—whether such boycott was enacted or not—including but not limited to all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in connection therewith.

RESPONSE:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 10

REQUEST FOR PRODUCTION NO. 3.: To the extent not produced in response to a prior request for production, please produce all documents that relate in any way to the rules and/or procedures of OFC regarding boycotts, including but not limited to any previous boycott policies and/or procedures and any changes to such policies and/or procedures.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4.: To the extent not produced in response to a prior request for production, please produce all communications between yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any product or products, including but not limited to communications relating to the boycott policies and procedures of OFC.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5.: Please produce all documents

identified in your Answer to Interrogatory No. 3.

RESPONSE:

INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of September, 2011.

MCNAUL EBEL NAWROT & HELGREN PLLC By:

Robert M. Sulkin, WSBA No. 15425 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 11

1	ANSWERS AND RESPONSES dated this day of, 2011.	
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	By: RON LAVIGNE, Defendant	
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6	CERTIFICATION	
7	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery</i> <i>Requests to Defendants</i> and any objections thereto, and the answers, responses and objections are in compliance with CR 26(g).	
8	objections are in compliance with CR 26(g).	
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10	By:	
11	, Attorney for Defendants	
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	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO LAW OFFICES OF DEFENDANTS – Page 12 MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle. Washington 98101-3143 (200) 467-1816 (200) 467-1816	

1	VERIFICATION	
2	STATE OF WASHINGTON)	
3) ss. COUNTY OF KING)	
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5	On this day of, 2011, before me, a Notary Public in and for the State of Washington, personally appeared RON LAVIGNE, the party who executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said party for the uses and purposes therein mentioned.	
7		
8	WITNESS my hand and official seal hereto affixed the day and year first as above written.	
9	Name:	
10	NOTARY PUBLIC in and for the State of	
11	Residing at My appointment expires:	
12	[NOTARIAL SEAL]	
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Seattle, Washington 98101-3143 (206) 467-1816

1		Hon. Paula Casey
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8	SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY	
9	KENT L. and LINDA DAVIS; JEFFREY	
10	and SUSAN TRININ; and SUSAN MAYER, derivatively on behalf of	No. 11-2-01925-7
11	OLYMPIA FOOD COOPERATIVE,	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS
12	Plaintiffs,	
13	V.	
14	GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE	
15	KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON LAVIGNE;	
16	HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB	
17	RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK	
18	WILHELM,	
19	Defendants.	
20	TO: ERIC MAPES, Defendant.	
21	Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan	
22	Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to	
23	herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant	
24	ERIC MAPES ("Defendant") respond to the following interrogatories and requests for	
25	production.	
26	Pursuant to CR 33, you are being served	l with the original and one copy of the

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 1



interrogatories. To facilitate preparation of answers and responses, Plaintiffs will additionally provide an electronic copy of the document to you by electronic mail at your request. Please insert your answers on the original in the space provided following each interrogatory, or use additional pages if necessary. Please serve the completed original on the undersigned. Each interrogatory is to be answered fully and separately, in writing and under oath, within 40 days of service upon you.

Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the service thereof, produce for inspection and copying the documents described below at the offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University Street, Suite 2700, Seattle, Washington 98101.

INSTRUCTIONS AND DEFINITIONS

The following definitions and instructions are intended to supplement those set forth in the Local Civil Rules, and are not intended to broaden such definitions and instructions.

A. The term "Lawsuit" whenever used herein shall be understood to mean the case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer, derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne; Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer; Julia Sokoloff; and Joellen Reineck Wilhelm, now pending in Thurston County Superior Court.*

B. The terms "you" and "your" whenever used herein shall be understood to mean Defendant ERIC MAPES individually, as well as ERIC MAPES's current and former attorneys, agents, principals, employees, and/or representatives.

C. The term "Board of OFC," as used herein, shall be understood to mean the Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 2

agents, principals, employees, and/or representatives.

D. The term "Boycott Policy," as used herein, shall be understood to mean the policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding the means, terms, exceptions, and procedures by which OFC shall, "whenever possible...honor nationally recognized boycotts."

E. The term "Israel Boycott," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

F. The term "Divestment," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

G. The term "Israel Boycott and Divestment policies," as used herein, shall be understood to mean the policies that came into existence as a result of the decisions described in paragraphs D and E herein.

H. These interrogatories and requests for production are intended to be a continuing obligation upon Defendant to furnish all information requested herein until final disposition of this case. Corrections and supplemental responses are required as provided for in the Rules of Civil Procedure. Plaintiffs will move the Court to exclude the testimony of any person not identified or evidence not disclosed in answers to these interrogatories, and will move to dismiss any claims related to any requested documents within the possession, custody or control of Defendant that Defendant fails to produce or to identify individually on a privilege log in response to these requests, and will move to exclude any other evidence offered by Defendant related to such documents.

I. These requests seek documents and information in the possession, custody, or control of Defendant, including (by way of example and not limitation) documents and information in the possession of Defendant's current and former attorneys, agents, principals, accountants, and appraisers.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 3

J. In responding to each request for production, if you do not produce a document in whole or in part because you are unable to do so, or for any other reason, you are requested to state the name and address of each person whom you believe has custody, possession, or control of the document.

K. Objections and claims of privilege should not be made in a general, blanket fashion. Rather, Defendant must indicate which objections or claims of privilege are asserted with regard to each discovery request. If only part of a discovery request is objected to, Defendant should indicate which objections or claims of privilege are asserted with regard to each such part.

L. With regard to attorney-client privilege and work product doctrine objections to interrogatories, describe the factual basis for your claim of privilege, including relevant dates, persons involved in the communication, subject matters involved, all persons present when the communications occurred, all persons who have been told about any of the details of the communication, and other information which would permit the Court to adjudicate the validity of the claim of privilege.

M. With regard to each document withheld upon a claim of attorney-client privilege or work product doctrine, prepare a document-by-document privilege log stating the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended recipient(s), subject matter(s), and persons who have received the document or have been told about the contents thereof, and other information which would permit the Court to adjudicate the validity of the claim or privilege. This privilege log must be produced contemporaneously with the documents produced in response to these requests.

N. If you object in part to any request for production, please respond to the remainder completely.

O. In responding to each request for production, please identify by number each and every request to which the documents are responsive.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 4

P. All documents should be produced in the same order as they are kept or maintained by you in the ordinary course of business and in the manual, booklet, binder, file, folder, envelope, or other container in which they are ordinarily kept or maintained. If for any reason the container cannot be produced, produce copies of all labels or other identifying markings thereon.

The term "documents" or "records" are intended to be interchangeable and 0. to be construed in their broadest sense including, but not limited to any original, recorded, or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all non-identical copies of each such writing (whether different from the original because of notes made on such copy or otherwise), including but not limited to: reports, drafts, working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings, schedules, cost sheets and quotation forms, bids, computer-generated and mechanicallycreated records, laser disks, compact disks, quotations, transcriptions of telephone conversations, notes, diaries, printouts, photographs, movies, mechanical or sound recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams, tape recordings, transmittal documents, rough letters, revisions, superseded documents, telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading, amendments, modifications, revisions, agreements, bills, estimates, statements of account, claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and all other manner and form of communication not otherwise expressly described.

As noted, the terms "documents" or "records" include, among other information, information stored in machine-readable form. In determining where responsive documents in this form might be located, consider whether you have any equipment or media which contain "documents" as defined herein, including but not limited to:

(1) Desktop personal computers (PCs) or workstations; PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 5

electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for work-related purposes.

(2) Backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party; and,

(3) Electronic mail messages, even if available only on backup or archive disks or tapes.

R. Except as otherwise specified herein, provide responsive machine-readable information in its original format. All databases should be in either MS Excel or MS Access. All other files should be in MS Office format, preferably 2000. All e-mail should be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM. If you have any questions concerning what constitutes an appropriate format, please contact counsel for Plaintiffs.

S. Unless otherwise specified herein, the term "computer" includes but is not limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for workrelated purposes.

T. As used herein, the term "backup" includes but is not limited to backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party.

U. As used herein, the phrase "describe" means to set out every aspect of every fact, circumstance, act, omission, or course of conduct known to you relating in any way to the matter inquired about, including, without limitation, the date and place thereof, the identity of each person present, connected therewith, or who has knowledge thereof,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS -- Page 6

the identity of all documents relating thereto, and if anything was said by any person, the identity of each such person and each such oral statement, and if the oral statement in whole or in part was contained, reported, summarized or referred to in any documents, the identity of each such document.

V. The term "person" means any individual, partnership, corporation, firm, association, or other business or legal entity.

W. The terms "and" and "or" wherever used herein shall be understood in both the conjunctive and disjunctive sense, synonymous with "and/or."

X. The terms "any" and "all" wherever used herein shall be understood in their most inclusive sense, synonymous with "any or all."

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"Identity" or "identify" means:

(a) when used with reference to a natural person, to state his or her full name, his or her present home address, present business address, present home and business telephone numbers, occupation, present or last known position, and business affiliation;

(b) when used in reference to any entity, such as a partnership, joint venture, trust, or corporation, to state the full legal name of such entity, each name under which such entity does business, the entity's street address, the entity's telephone number, the identity of the chief operating officer, manager, trustee, or other principal representative and the identity of those persons employed by or otherwise acting for such entity who are known or are believed to possess the knowledge or information responsive to the interrogatory and for which the entity was identified;

(c) when used with reference to documents, to state specifically:

(i) the type of documents involved (e.g., letter, interoffice memorandum, etc.), together with information sufficient to enable defendant to locate the document, such as its date, the name of any addressee, the name of any

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 7

signer, the title or heading of the documents and its approximate number of pages; and

(ii) the identity of the person last known to have possession of the document, together with the present or last known location of the document. If any document was, but is no longer, in your possession, custody or control, identify the document, state what disposition was made of it and the reason for such disposition. In lieu of identifying documents, copies may be provided.

(d) when used with reference to damages or injuries, to state specifically:

(i) the date on which the damage or injury occurred,

(ii) the monetary value of the damage or injury, and

(iii) any other persons or entities involved in the events or circumstances giving rise to the alleged damage or injury.

(e) when used with reference to a legal action, to state specifically:

 (i) the date and place each such action was filed, giving the name of the court and the name of the other party or parties involved, the cause number, and the names and addresses of the attorneys representing each party;

(ii) a description of the nature of each action; and

(iii) the result of each such action, whether there was an appeal, the results of the appeal, whether such case was reported and the name, volume number and page citation of such report.

INTERROGATORIES

INTERROGATORY NO. 1.: Please identify every person who has been a member of the Board of OFC since April 1993, including all current members of the Board of OFC.

ANSWER:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 8

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

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INTERROGATORY NO. 2.: Please identify every person who was a staff member of OFC at the time the Israel Boycott and Divestment policies were considered and/or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 3.: Please identify every communication from a staff member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 4.: Please identify any expert witness you expect to call at trial and, as to each such witness, provide: (a) The person's name, occupation, title, business address, area of specialization, if any, and professional relationship to you; The subject matter on which the person is expected to testify; (b) The substance of the facts and opinions to which the person is expected to (c) testify and a summary of the grounds for each opinion; All data or other information considered by the person in forming his or her (d) opinions; A statement of the person's qualifications, including a list of all (e) publications authored by the person in the past 10 years; (f) The identity of any exhibits to be used as a summary of or support for the person's opinions:

(g) The compensation to be paid to the person in connection with his or her work as an expert witness; and

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 9
A list of all other cases in which the person has testified by deposition or at trial and the identity of the attorneys who questioned the person.

ANSWER:

(h)

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce all documents that relate in any way to boycotting and/or divesting from Israel, including but not limited to all documents that were considered by the Board of OFC in enacting the Israel Boycott and Divestment policies; all committee or Board minutes relating to the Israel Boycott and Divestment policies; notes and comments relating to those minutes; and all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in enacting the Israel Boycott and Divestment policies.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2.: To the extent not produced in response to a prior request for production, please produce all documents relating to any effort or consideration given by the Board of OFC to boycotting products of any country or geographic area other than Israel—whether such boycott was enacted or not—including but not limited to all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in connection therewith.

RESPONSE:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 10

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

REQUEST FOR PRODUCTION NO. 3.: To the extent not produced in response to a prior request for production, please produce all documents that relate in any way to the rules and/or procedures of OFC regarding boycotts, including but not limited to any previous boycott policies and/or procedures and any changes to such policies and/or procedures.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4.: To the extent not produced in response to a prior request for production, please produce all communications between yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any product or products, including but not limited to communications relating to the boycott policies and procedures of OFC.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5.: Please produce all documents identified in your Answer to Interrogatory No. 3.

<u>RESPONSE</u>:

INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of September, 2011.

McNAULEBEL NAWROT & HELGREN PLLC	
F) (pA)	
KSIMRI	
By:	
Robert M. Sulkin, WSBA No. 15425	
Avi J. Lipman, WSBA No. 37661	

Attorneys for Plaintiffs

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 11

1	ANSWERS AND RESPONSES dated this day of, 2011.	
2		
3	By: ERIC MAPES, Defendant	
4	ERIC MAPES, Defendant	
5		
6	CERTIFICATION	
7 8	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery</i> <i>Requests to Defendants</i> and any objections thereto, and the answers, responses and objections are in compliance with CR 26(g).	
9		
10	By:	
11	, Attorney for Defendants	
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	LAW OFFICES OF PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 12 LAW OFFICES OF MCNAUL EBEL NAWROT & HELG 600 University Street, Suite 2700 Seattle, Washington 98101-3143	

(206) 467-1816

1	VERIFICATION		
2	STATE OF WASHINGTON)		
3) ss. COUNTY OF KING)		
4			
5	On this day of, 2011, before me, a Notary Public in and for the State of Washington, personally appeared ERIC MAPES, the party who executed the		
6	within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said party for the uses and purposes therein mentioned.		
7	WITNESS my hand and official seal hereto affixed the day and year first as above		
8	written.		
9	Name:		
10	NOTARY PUBLIC in and for the State of		
11	Residing at My appointment expires:		
12	[NOTARIAL SEAL]		
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PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 13

Hon. Paula Casey

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8	SUPERIOR COURT OF WASHINGT	TON FOR THURSTON COUNTY
9 10	KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSAN MAYER, derivatively on behalf of	No. 11-2-01925-7
11	OLYMPIA FOOD COOPERATIVE,	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS
12	Plaintiffs,	
13		
14	GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI; JACKIE KRZYZEK;	
15 16	JESSICA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA	
·17	SOKOLOFF; and JOELLEN REINECK WILHELM,	
18 19	Defendants.	
20	TO: JOHN NASON, Defendant.	
21	TO: JOHN NASON, Defendant. Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan	
22	Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to	
23	herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant	
24	JOHN NASON ("Defendant") respond to the fo	
25	production.	moving memogatories and requests for
26	Pursuant to CR 33, you are being served	with the original and one conv of the
		mut are original and one copy of the

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 1

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B. The terms "you" and "your" whenever used herein shall be understood to mean Defendant JOHN NASON individually, as well as JOHN NASON's current and former attorneys, agents, principals, employees, and/or representatives.

C. The term "Board of OFC," as used herein, shall be understood to mean the Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 2

agents, principals, employees, and/or representatives.

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I. These requests seek documents and information in the possession, custody, or control of Defendant, including (by way of example and not limitation) documents and information in the possession of Defendant's current and former attorneys, agents, principals, accountants, and appraisers.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 3

J. In responding to each request for production, if you do not produce a document in whole or in part because you are unable to do so, or for any other reason, you are requested to state the name and address of each person whom you believe has custody, possession, or control of the document.

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PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 4

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

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PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 5

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(3) Electronic mail messages, even if available only on backup or archive disks or tapes.

R. Except as otherwise specified herein, provide responsive machine-readable information in its original format. All databases should be in either MS Excel or MS Access. All other files should be in MS Office format, preferably 2000. All e-mail should be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM. If you have any questions concerning what constitutes an appropriate format, please contact counsel for Plaintiffs.

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PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 6

the identity of all documents relating thereto, and if anything was said by any person, the identity of each such person and each such oral statement, and if the oral statement in whole or in part was contained, reported, summarized or referred to in any documents, the identity of each such document.

V. The term "person" means any individual, partnership, corporation, firm, association, or other business or legal entity.

W. The terms "and" and "or" wherever used herein shall be understood in both the conjunctive and disjunctive sense, synonymous with "and/or."

X. The terms "any" and "all" wherever used herein shall be understood in their most inclusive sense, synonymous with "any or all."

Y. "Identity" or "identify" means:

 (a) when used with reference to a natural person, to state his or her full name, his or her present home address, present business address, present home and business telephone numbers, occupation, present or last known position, and business affiliation;

(b) when used in reference to any entity, such as a partnership, joint venture, trust, or corporation, to state the full legal name of such entity, each name under which such entity does business, the entity's street address, the entity's telephone number, the identity of the chief operating officer, manager, trustee, or other principal representative and the identity of those persons employed by or otherwise acting for such entity who are known or are believed to possess the knowledge or information responsive to the interrogatory and for which the entity was identified;

(c) when used with reference to documents, to state specifically:

(i) the type of documents involved (e.g., letter, interoffice memorandum, etc.), together with information sufficient to enable defendant to locate the document, such as its date, the name of any addressee, the name of any

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 7

signer, the title or heading of the documents and its approximate number of pages; and

(ii) the identity of the person last known to have possession of the document, together with the present or last known location of the document. If any document was, but is no longer, in your possession, custody or control, identify the document, state what disposition was made of it and the reason for such disposition. In lieu of identifying documents, copies may be provided.

(d) when used with reference to damages or injuries, to state specifically:

(i) the date on which the damage or injury occurred,

(ii) the monetary value of the damage or injury, and

(iii) any other persons or entities involved in the events or circumstances giving rise to the alleged damage or injury.

(e) when used with reference to a legal action, to state specifically:

(i) the date and place each such action was filed, giving the name of the court and the name of the other party or parties involved, the cause number, and the names and addresses of the attorneys representing each party;

(ii) a description of the nature of each action; and

(iii) the result of each such action, whether there was an appeal, the results of the appeal, whether such case was reported and the name, volume number and page citation of such report.

INTERROGATORIES

INTERROGATORY NO. 1.: Please identify every person who has been a member of the Board of OFC since April 1993, including all current members of the Board of OFC.

ANSWER:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 8

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

INTERROGATORY NO. 2.: Please identify every person who was a staff member of OFC at the time the Israel Boycott and Divestment policies were considered and/or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 3.: Please identify every communication from a staff member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 4.: Please identify any expert witness you expect to call at trial and, as to each such witness, provide:

- (a) The person's name, occupation, title, business address, area of specialization, if any, and professional relationship to you;
- (b) The subject matter on which the person is expected to testify;
- (c) The substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion;
- (d) All data or other information considered by the person in forming his or her opinions;
- (e) A statement of the person's qualifications, including a list of all publications authored by the person in the past 10 years;
- (f) The identity of any exhibits to be used as a summary of or support for the person's opinions;
- (g) The compensation to be paid to the person in connection with his or her work as an expert witness; and

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 9

(h) A list of all other cases in which the person has testified by deposition or at trial and the identity of the attorneys who questioned the person.

ANSWER:

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce all documents that relate in any way to boycotting and/or divesting from Israel, including but not limited to all documents that were considered by the Board of OFC in enacting the Israel Boycott and Divestment policies; all committee or Board minutes relating to the Israel Boycott and Divestment policies; notes and comments relating to those minutes; and all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in enacting the Israel Boycott and Divestment policies.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2.: To the extent not produced in response to a prior request for production, please produce all documents relating to any effort or consideration given by the Board of OFC to boycotting products of any country or geographic area other than Israel—whether such boycott was enacted or not—including but not limited to all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in connection therewith.

RESPONSE:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 10

REQUEST FOR PRODUCTION NO. 3.: To the extent not produced in response to a prior request for production, please produce all documents that relate in any way to the rules and/or procedures of OFC regarding boycotts, including but not limited to any previous boycott policies and/or procedures and any changes to such policies and/or procedures.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4.: To the extent not produced in response to a prior request for production, please produce all communications between yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any product or products, including but not limited to communications relating to the boycott policies and procedures of OFC.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5.: Please produce all documents identified in your Answer to Interrogatory No. 3.

RESPONSE:

INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of September, 2011.

McNAUL_EBEL NAWROT & HELGRENALLC By:

Robert M. Sulkin, WSBA No. 15425 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 11

ANSWERS AND RESP	ONSES dated this	day of, 2011.
	Ву:	
	JOHN N	NASON, Defendant
• · ·	CERTIFICATIO	<u>DN</u>
Plaintiffs certify that the	y have read the foreg	going Plaintiffs' First Discovery
<i>Requests to Defendants</i> and any objections are in compliance wi	r objections thereto, a the CR 26(g).	going <i>Plaintiffs' First Discovery</i> and the answers, responses and
	By:	·
		, Attorney for Defendants
		, reconcerned for Defendants
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		· · ·
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PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 12

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1	VERIFICA	TION
2	STATE OF WASHINGTON)	
3	COUNTY OF KING) ss.	
4		
5	On this day of, 2011 State of Washington, personally appeared JOHN	, before me, a Notary Public in and for the NASON, the party who executed the
6	within and foregoing instrument, and acknowled voluntary act and deed of said party for the uses	lged said instrument to be the free and
7		eto affixed the day and year first as above
8	written.	
9	Na	me:
10	of	OTARY PUBLIC in and for the State
11	Re My	siding at
12	[NOTARIAL SEAL]	
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	 PLAINTIFFS' FIRST DISCOVERY REQUEST DEFENDANTS – Page 13	LAW OFFICES OF TS TO MCNAUL EBEL NAWROT & HELGREN 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816

(206)

1		Hon. Paula Casey
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8	SUPERIOR COURT OF WASHINGT	ON FOR THURSTON COUNTY
9	KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSAN	No. 11-2-01925-7
10	MAYER, derivatively on behalf of OLYMPIA FOOD COOPERATIVE,	
11	,	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS
12	Plaintiffs,	
13	V.	
14	GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE	
1 5	KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON LAVIGNE;	
16	HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB	
17	RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM,	
18	,	
19	Defendants.	
20	TO: JOHN REGAN, Defendant.	
21	Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan	
22	Trinin, and Susan Mayer, derivatively on behalf	of Olympia Food Cooperative (referred to
23	herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant	
24	JOHN REGAN ("Defendant") respond to the fo	llowing interrogatories and requests for
25	production.	
26	Pursuant to CR 33, you are being served	with the original and one copy of the
		LAW OFFICES OF

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 1

,

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

interrogatories. To facilitate preparation of answers and responses, Plaintiffs will additionally provide an electronic copy of the document to you by electronic mail at your request. Please insert your answers on the original in the space provided following each interrogatory, or use additional pages if necessary. Please serve the completed original on the undersigned. Each interrogatory is to be answered fully and separately, in writing and under oath, within 40 days of service upon you.

Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the service thereof, produce for inspection and copying the documents described below at the offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University Street, Suite 2700, Seattle, Washington 98101.

INSTRUCTIONS AND DEFINITIONS

The following definitions and instructions are intended to supplement those set forth in the Local Civil Rules, and are not intended to broaden such definitions and instructions.

A. The term "Lawsuit" whenever used herein shall be understood to mean the case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer, derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne; Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer; Julia Sokoloff; and Joellen Reineck Wilhelm, now pending in Thurston County Superior Court.*

B. The terms "you" and "your" whenever used herein shall be understood to mean Defendant JOHN REGAN individually, as well as JOHN REGAN's current and former attorneys, agents, principals, employees, and/or representatives.

C. The term "Board of OFC," as used herein, shall be understood to mean the Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 2

agents, principals, employees, and/or representatives.

D. The term "Boycott Policy," as used herein, shall be understood to mean the policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding the means, terms, exceptions, and procedures by which OFC shall, "whenever possible…honor nationally recognized boycotts."

E. The term "Israel Boycott," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

F. The term "Divestment," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

G. The term "Israel Boycott and Divestment policies," as used herein, shall be understood to mean the policies that came into existence as a result of the decisions described in paragraphs D and E herein.

H. These interrogatories and requests for production are intended to be a continuing obligation upon Defendant to furnish all information requested herein until final disposition of this case. Corrections and supplemental responses are required as provided for in the Rules of Civil Procedure. Plaintiffs will move the Court to exclude the testimony of any person not identified or evidence not disclosed in answers to these interrogatories, and will move to dismiss any claims related to any requested documents within the possession, custody or control of Defendant that Defendant fails to produce or to identify individually on a privilege log in response to these requests, and will move to exclude any other evidence offered by Defendant related to such documents.

I. These requests seek documents and information in the possession, custody, or control of Defendant, including (by way of example and not limitation) documents and information in the possession of Defendant's current and former attorneys, agents, principals, accountants, and appraisers.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 3

J. In responding to each request for production, if you do not produce a document in whole or in part because you are unable to do so, or for any other reason, you are requested to state the name and address of each person whom you believe has custody, possession, or control of the document.

K. Objections and claims of privilege should not be made in a general, blanket fashion. Rather, Defendant must indicate which objections or claims of privilege are asserted with regard to each discovery request. If only part of a discovery request is objected to, Defendant should indicate which objections or claims of privilege are asserted with regard to each such part.

L. With regard to attorney-client privilege and work product doctrine objections to interrogatories, describe the factual basis for your claim of privilege, including relevant dates, persons involved in the communication, subject matters involved, all persons present when the communications occurred, all persons who have been told about any of the details of the communication, and other information which would permit the Court to adjudicate the validity of the claim of privilege.

M. With regard to each document withheld upon a claim of attorney-clien[†] privilege or work product doctrine, prepare a document-by-document privilege log stating the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended recipient(s), subject matter(s), and persons who have received the document or have been told about the contents thereof, and other information which would permit the Court to adjudicate the validity of the claim or privilege. This privilege log must be produced contemporaneously with the documents produced in response to these requests.

N. If you object in part to any request for production, please respond to the remainder completely.

O. In responding to each request for production, please identify by number each and every request to which the documents are responsive.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 4

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

P. All documents should be produced in the same order as they are kept or maintained by you in the ordinary course of business and in the manual, booklet, binder, file, folder, envelope, or other container in which they are ordinarily kept or maintained. If for any reason the container cannot be produced, produce copies of all labels or other identifying markings thereon.

The term "documents" or "records" are intended to be interchangeable and Q. to be construed in their broadest sense including, but not limited to any original, recorded, or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all non-identical copies of each such writing (whether different from the original because of notes made on such copy or otherwise), including but not limited to: reports, drafts, working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings, schedules, cost sheets and quotation forms, bids, computer-generated and mechanicallycreated records, laser disks, compact disks, quotations, transcriptions of telephone conversations, notes, diaries, printouts, photographs, movies, mechanical or sound recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams, tape recordings, transmittal documents, rough letters, revisions, superseded documents, telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading, amendments, modifications, revisions, agreements, bills, estimates, statements of account, claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and all other manner and form of communication not otherwise expressly described.

As noted, the terms "documents" or "records" include, among other information, information stored in machine-readable form. In determining where responsive documents in this form might be located, consider whether you have any equipment or media which contain "documents" as defined herein, including but not limited to:

(1) Desktop personal computers (PCs) or workstations; PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 5

electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for work-related purposes.

(2) Backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party; and,

(3) Electronic mail messages, even if available only on backup or archive disks or tapes.

R. Except as otherwise specified herein, provide responsive machine-readable information in its original format. All databases should be in either MS Excel or MS Access. All other files should be in MS Office format, preferably 2000. All e-mail should be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM. If you have any questions concerning what constitutes an appropriate format, please contact counsel for Plaintiffs.

S. Unless otherwise specified herein, the term "computer" includes but is not limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for workrelated purposes.

T. As used herein, the term "backup" includes but is not limited to backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party.

U. As used herein, the phrase "describe" means to set out every aspect of every fact, circumstance, act, omission, or course of conduct known to you relating in any way to the matter inquired about, including, without limitation, the date and place thereof, the identity of each person present, connected therewith, or who has knowledge thereof,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 6

the identity of all documents relating thereto, and if anything was said by any person, the identity of each such person and each such oral statement, and if the oral statement in whole or in part was contained, reported, summarized or referred to in any documents, the identity of each such document.

V. The term "person" means any individual, partnership, corporation, firm, association, or other business or legal entity.

W. The terms "and" and "or" wherever used herein shall be understood in both the conjunctive and disjunctive sense, synonymous with "and/or."

X. The terms "any" and "all" wherever used herein shall be understood in their most inclusive sense, synonymous with "any or all."

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"Identity" or "identify" means:

(a) when used with reference to a natural person, to state his or her full name, his or her present home address, present business address, present home and business telephone numbers, occupation, present or last known position, and business affiliation;

(b) when used in reference to any entity, such as a partnership, joint venture, trust, or corporation, to state the full legal name of such entity, each name under which such entity does business, the entity's street address, the entity's telephone number, the identity of the chief operating officer, manager, trustee, or other principal representative and the identity of those persons employed by or otherwise acting for such entity who are known or are believed to possess the knowledge or information responsive to the interrogatory and for which the entity was identified;

(c) when used with reference to documents, to state specifically:

(i) the type of documents involved (e.g., letter, interofficememorandum, etc.), together with information sufficient to enable defendant tolocate the document, such as its date, the name of any addressee, the name of any

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 7

signer, the title or heading of the documents and its approximate number of pages; and

(ii) the identity of the person last known to have possession of the document, together with the present or last known location of the document. If any document was, but is no longer, in your possession, custody or control, identify the document, state what disposition was made of it and the reason for such disposition. In lieu of identifying documents, copies may be provided.

(d) when used with reference to damages or injuries, to state specifically:

(i) the date on which the damage or injury occurred,

(ii) the monetary value of the damage or injury, and

(iii) any other persons or entities involved in the events or circumstances giving rise to the alleged damage or injury.

(e) when used with reference to a legal action, to state specifically:

(i) the date and place each such action was filed, giving the name of the court and the name of the other party or parties involved, the cause number, and the names and addresses of the attorneys representing each party;

(ii) a description of the nature of each action; and

(iii) the result of each such action, whether there was an appeal, the results of the appeal, whether such case was reported and the name, volume number and page citation of such report.

INTERROGATORIES

INTERROGATORY NO. 1.: Please identify every person who has been a member of the Board of OFC since April 1993, including all current members of the Board of OFC.

ANSWER:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 8

INTERROGATORY NO. 2.: Please identify every person who was a staff member of OFC at the time the Israel Boycott and Divestment policies were considered and/or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 3.: Please identify every communication from a staff member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 4.: Please identify any expert witness you expect to call at trial and, as to each such witness, provide: The person's name, occupation, title, business address, area of (a) specialization, if any, and professional relationship to you; The subject matter on which the person is expected to testify; (b) The substance of the facts and opinions to which the person is expected to (c) testify and a summary of the grounds for each opinion; All data or other information considered by the person in forming his or her (d) opinions; A statement of the person's qualifications, including a list of all (e) publications authored by the person in the past 10 years; The identity of any exhibits to be used as a summary of or support for the (f) person's opinions; The compensation to be paid to the person in connection with his or her (g) work as an expert witness; and

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 9

(h) A list of all other cases in which the person has testified by deposition or at trial and the identity of the attorneys who questioned the person.

ANSWER:

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce all documents that relate in any way to boycotting and/or divesting from Israel, including but not limited to all documents that were considered by the Board of OFC in enacting the Israel Boycott and Divestment policies; all committee or Board minutes relating to the Israel Boycott and Divestment policies; notes and comments relating to those minutes; and all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in enacting the Israel Boycott and Divestment policies.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2.: To the extent not produced in response to a prior request for production, please produce all documents relating to any effort or consideration given by the Board of OFC to boycotting products of any country or geographic area other than Israel—whether such boycott was enacted or not—including but not limited to all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in connection therewith.

RESPONSE:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 10

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

REQUEST FOR PRODUCTION NO. 3.: To the extent not produced in response to a prior request for production, please produce all documents that relate in any way to the rules and/or procedures of OFC regarding boycotts, including but not limited to any previous boycott policies and/or procedures and any changes to such policies and/or procedures.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4.: To the extent not produced in response to a prior request for production, please produce all communications between yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any product or products, including but not limited to communications relating to the boycott policies and procedures of OFC.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5.: Please produce all documents identified in your Answer to Interrogatory No. 3.

<u>RESPONSE</u>:

INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC By: Robert M. Sulkin, WSBA No. 15425 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 11

1	ANSWERS AND RESPONSES dated this day of, 2011.
2	
3	By: JOHN REGAN, Defendant
4	JOHN REGAN, Defendant
5	
6	CERTIFICATION
7	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery</i> <i>Requests to Defendants</i> and any objections thereto, and the answers, responses and objections are in compliance with CR 26(g).
8	objections are in compliance with CR 26(g).
9	
10	By:
11	, Attorney for Defendants
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	LAW OFFICES OF PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 12 (206) 467-1816

1	VERIFICATION
2	STATE OF WASHINGTON)
3) ss. COUNTY OF KING)
4	
5	On this day of, 2011, before me, a Notary Public in and for the State of Washington, personally appeared JOHN REGAN, the party who executed the
6	within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said party for the uses and purposes therein mentioned.
7	WITNESS my hand and official seal hereto affixed the day and year first as above
8	written.
9	Name:
10	NOTARY PUBLIC in and for the State
11	Residing at My appointment expires:
12	[NOTARIAL SEAL]
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	LAW OFFICES OF PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 13 LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143

Seattle, Washington 98101-3143 (206) 467-1816

1		Hon. Paula Casey	
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8	SUPERIOR COURT OF WASHING	TON FOR THURSTON COUNTY	
9 10	KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSAN MAYER, derivatively on behalf of	No. 11-2-01925-7	
11	OLYMPIA FOOD COOPERATIVE,	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS	
12	Plaintiffs,		
13	v.		
14	GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI; JACKIE KRZYZEK;	· · ·	
15	JESSICA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN		
16	NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA		
17	SOKOLOFF; and JOELLEN REINECK WILHELM,		
18	Defendants.		
19			
20	TO: ROB RICHARDS, Defendant.		
21	Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan		
22	Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to		
23	herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant		
24	ROB RICHARDS ("Defendant") respond to the following interrogatories and requests for		
25	production.		
26	Pursuant to CR 33, you are being serve	d with the original and one copy of the	
	PLAINTIFFS' FIRST DISCOVERY REQUES DEFENDANTS – Page 1	LAW OFFICES OF TS TO MCNAUL EBEL NAWROT & HELGREN F 600 University Street, Suite 2700 Seattle, Washington 98101-3143	

PLLC Seattle, Washington 98101-3143 (206) 467-1816



interrogatories. To facilitate preparation of answers and responses, Plaintiffs will additionally provide an electronic copy of the document to you by electronic mail at your request. Please insert your answers on the original in the space provided following each interrogatory, or use additional pages if necessary. Please serve the completed original on the undersigned. Each interrogatory is to be answered fully and separately, in writing and under oath, within 40 days of service upon you.

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B. The terms "you" and "your" whenever used herein shall be understood to mean Defendant ROB RICHARDS individually, as well as ROB RICHARDS's current and former attorneys, agents, principals, employees, and/or representatives.

C. The term "Board of OFC," as used herein, shall be understood to mean the Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 2

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

agents, principals, employees, and/or representatives.

D. The term "Boycott Policy," as used herein, shall be understood to mean the policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding the means, terms, exceptions, and procedures by which OFC shall, "whenever possible...honor nationally recognized boycotts."

E. The term "Israel Boycott," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

F. The term "Divestment," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

G. The term "Israel Boycott and Divestment policies," as used herein, shall be understood to mean the policies that came into existence as a result of the decisions described in paragraphs D and E herein.

H. These interrogatories and requests for production are intended to be a continuing obligation upon Defendant to furnish all information requested herein until final disposition of this case. Corrections and supplemental responses are required as provided for in the Rules of Civil Procedure. Plaintiffs will move the Court to exclude the testimony of any person not identified or evidence not disclosed in answers to these interrogatories, and will move to dismiss any claims related to any requested documents within the possession, custody or control of Defendant that Defendant fails to produce or to identify individually on a privilege log in response to these requests, and will move to exclude any other evidence offered by Defendant related to such documents.

I. These requests seek documents and information in the possession, custody, or control of Defendant, including (by way of example and not limitation) documents and information in the possession of Defendant's current and former attorneys, agents, principals, accountants, and appraisers.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 3

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J. In responding to each request for production, if you do not produce a document in whole or in part because you are unable to do so, or for any other reason, you are requested to state the name and address of each person whom you believe has custody, possession, or control of the document.

K. Objections and claims of privilege should not be made in a general, blanket fashion. Rather, Defendant must indicate which objections or claims of privilege are asserted with regard to each discovery request. If only part of a discovery request is objected to, Defendant should indicate which objections or claims of privilege are asserted with regard to each such part.

L. With regard to attorney-client privilege and work product doctrine objections to interrogatories, describe the factual basis for your claim of privilege, including relevant dates, persons involved in the communication, subject matters involved, all persons present when the communications occurred, all persons who have been told about any of the details of the communication, and other information which would permit the Court to adjudicate the validity of the claim of privilege.

M. With regard to each document withheld upon a claim of attorney-client privilege or work product doctrine, prepare a document-by-document privilege log stating the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended recipient(s), subject matter(s), and persons who have received the document or have been told about the contents thereof, and other information which would permit the Court to adjudicate the validity of the claim or privilege. This privilege log must be produced contemporaneously with the documents produced in response to these requests.

N. If you object in part to any request for production, please respond to the remainder completely.

O. In responding to each request for production, please identify by number each and every request to which the documents are responsive.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 4

1

P. All documents should be produced in the same order as they are kept or maintained by you in the ordinary course of business and in the manual, booklet, binder, file, folder, envelope, or other container in which they are ordinarily kept or maintained. If for any reason the container cannot be produced, produce copies of all labels or other identifying markings thereon.

The term "documents" or "records" are intended to be interchangeable and 0. to be construed in their broadest sense including, but not limited to any original, recorded, or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all non-identical copies of each such writing (whether different from the original because of notes made on such copy or otherwise), including but not limited to: reports, drafts, working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings, schedules, cost sheets and quotation forms, bids, computer-generated and mechanicallycreated records, laser disks, compact disks, quotations, transcriptions of telephone conversations, notes, diaries, printouts, photographs, movies, mechanical or sound recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams, tape recordings, transmittal documents, rough letters, revisions, superseded documents, telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading, amendments, modifications, revisions, agreements, bills, estimates, statements of account, claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and all other manner and form of communication not otherwise expressly described.

As noted, the terms "documents" or "records" include, among other information, information stored in machine-readable form. In determining where responsive documents in this form might be located, consider whether you have any equipment or media which contain "documents" as defined herein, including but not limited to:

(1) Desktop personal computers (PCs) or workstations; PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 5

electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for work-related purposes.

(2) Backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party; and,

(3) Electronic mail messages, even if available only on backup or archive disks or tapes.

R. Except as otherwise specified herein, provide responsive machine-readable information in its original format. All databases should be in either MS Excel or MS Access. All other files should be in MS Office format, preferably 2000. All e-mail should be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM. If you have any questions concerning what constitutes an appropriate format, please contact counsel for Plaintiffs.

S. Unless otherwise specified herein, the term "computer" includes but is not limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for workrelated purposes.

T. As used herein, the term "backup" includes but is not limited to backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party.

U. As used herein, the phrase "describe" means to set out every aspect of every fact, circumstance, act, omission, or course of conduct known to you relating in any way to the matter inquired about, including, without limitation, the date and place thereof, the identity of each person present, connected therewith, or who has knowledge thereof,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 6

LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816
the identity of all documents relating thereto, and if anything was said by any person, the identity of each such person and each such oral statement, and if the oral statement in whole or in part was contained, reported, summarized or referred to in any documents, the identity of each such document.

V. The term "person" means any individual, partnership, corporation, firm, association, or other business or legal entity.

W. The terms "and" and "or" wherever used herein shall be understood in both the conjunctive and disjunctive sense, synonymous with "and/or."

X. The terms "any" and "all" wherever used herein shall be understood in their most inclusive sense, synonymous with "any or all."

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"Identity" or "identify" means:

(a) when used with reference to a natural person, to state his or her full
 name, his or her present home address, present business address, present home and
 business telephone numbers, occupation, present or last known position, and business
 affiliation;

(b) when used in reference to any entity, such as a partnership, joint venture, trust, or corporation, to state the full legal name of such entity, each name under which such entity does business, the entity's street address, the entity's telephone number, the identity of the chief operating officer, manager, trustee, or other principal representative and the identity of those persons employed by or otherwise acting for such entity who are known or are believed to possess the knowledge or information responsive to the interrogatory and for which the entity was identified;

(c) when used with reference to documents, to state specifically:

 (i) the type of documents involved (e.g., letter, interoffice

 memorandum, etc.), together with information sufficient to enable defendant to
 locate the document, such as its date, the name of any addressee, the name of any

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 7

signer, the title or heading of the documents and its approximate number of pages; and

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3 the identity of the person last known to have possession of (ii) 4 the document, together with the present or last known location of the document. If any document was, but is no longer, in your possession, custody or control, 5 6 identify the document, state what disposition was made of it and the reason for 7 such disposition. In lieu of identifying documents, copies may be provided. 8 when used with reference to damages or injuries, to state (d)9 specifically: 10 (i) the date on which the damage or injury occurred, the monetary value of the damage or injury, and 11 **(ii)** 12 any other persons or entities involved in the events or (iii) 13 circumstances giving rise to the alleged damage or injury. 14 when used with reference to a legal action, to state specifically: (e) 15 (i) the date and place each such action was filed, giving the name of the court and the name of the other party or parties involved, the cause 16 number, and the names and addresses of the attorneys representing each party; 17 18 (ii) a description of the nature of each action; and the result of each such action, whether there was an appeal, 19 (iii) 20 the results of the appeal, whether such case was reported and the name, volume 21 number and page citation of such report. 22 **INTERROGATORIES** 23 **INTERROGATORY NO. 1.**: Please identify every person who has been a 24 member of the Board of OFC since April 1993, including all current members of the Board 25 of OFC. 26 ANSWER:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 8

1	INTE	RROGATORY NO. 2.: Please identify every person who was a staff
2	member of OFC at the time the Israel Boycott and Divestment policies were considered	
3	and/or enacted by the Board of OFC.	
4	AND	<u>WER</u> :
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8	INTE	RROGATORY NO. 3. : Please identify every communication from a staff
9	member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the	
10	Israel Boycot	t and Divestment policies; and/or any other boycott ever considered or enacted
11	by the Board of OFC.	
12	ANS	WER:
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16	INTE	CRROGATORY NO. 4. : Please identify any expert witness you expect to
17	call at trial and, as to each such witness, provide:	
18	(a)	The person's name, occupation, title, business address, area of specialization, if any, and professional relationship to you;
19	(b)	The subject matter on which the person is expected to testify;
20	(c)	The substance of the facts and opinions to which the person is expected to
21		testify and a summary of the grounds for each opinion;
22	(d)	All data or other information considered by the person in forming his or her opinions;
23	(e)	A statement of the person's qualifications, including a list of all publications authored by the person in the past 10 years;
24 25	(f)	The identity of any exhibits to be used as a summary of or support for the person's opinions;
26	(g)	The compensation to be paid to the person in connection with his or her work as an expert witness; and
		LAW OFFICES OF

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 9

(h) A list of all other cases in which the person has testified by deposition or at trial and the identity of the attorneys who questioned the person.

ANSWER:

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce all documents that relate in any way to boycotting and/or divesting from Israel, including but not limited to all documents that were considered by the Board of OFC in enacting the Israel Boycott and Divestment policies; all committee or Board minutes relating to the Israel Boycott and Divestment policies; notes and comments relating to those minutes; and all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in enacting the Israel Boycott and Divestment policies.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2.: To the extent not produced in response to a prior request for production, please produce all documents relating to any effort or consideration given by the Board of OFC to boycotting products of any country or geographic area other than Israel—whether such boycott was enacted or not—including but not limited to all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in connection therewith.

RESPONSE:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 10

REQUEST FOR PRODUCTION NO. 3.: To the extent not produced in response to a prior request for production, please produce all documents that relate in any way to the rules and/or procedures of OFC regarding boycotts, including but not limited to any previous boycott policies and/or procedures and any changes to such policies and/or procedures.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4.: To the extent not produced in response to a prior request for production, please produce all communications between yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any product or products, including but not limited to communications relating to the boycott policies and procedures of OFC.

<u>RESPONSE</u>:

REQUEST FOR PRODUCTION NO. 5.: Please produce all documents

identified in your Answer to Interrogatory No. 3.

RESPONSE:

INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of September, 2011.

McN.	AULEBEL NAWROT & HELGREN PLLC
Bv:	S. ZIMI MA
	Robert M. Sulkin, WSBA No. 15425

Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 11

1	ANSWERS AND RESPONSES dated this day of, 2011.	
2		
3	By: ROB RICHARDS, Defendant	
4	ROB RICHARDS, Defendant	
5		
6	CERTIFICATION	
7	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery</i>	
8	Requests to Defendants and any objections thereto, and the answers, responses and objections are in compliance with CR 26(g).	
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10	Ву:	
11	, Attorney for Defendants	
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	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 12 (206) 467-1816	

1	VERIFICATION	
2	STATE OF WASHINGTON)	
3) ss. COUNTY OF KING)	
4	2011 before me a Notary Public in and for the	
5	On this day of, 2011, before me, a Notary Public in and for the State of Washington, personally appeared ROB RICHARDS, the party who executed the within and foregoing instrument, and acknowledged said instrument to be the free and	
6	within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said party for the uses and purposes therein mentioned.	
7	WITNESS my hand and official seal hereto affixed the day and year first as above	
8	written.	
9	Name:	
10	of	
11	Residing at My appointment expires:	
12	[NOTARIAL SEAL]	
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	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 DEFENDANTS – Page 13 Seattle, Washington 98101-3143	

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1	Hon. Paula Casey
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8	SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY
9	KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ: and SUSAN No. 11-2-01925-7
10	and SUSAN TRININ; and SUSAN MAYER, derivatively on behalf of OLYMPIA FOOD COOPERATIVE, PLAINTIFFS' FIRST DISCOVERY
11	Plaintiffs,
12	
13	
14	GRACE COX; ROCHELLE GAUSE; ERIN GENIA, T.J. JOHNSON; JAYNE
15	KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON LAVIGNE;
16	HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB
17	RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM,
18	Defendants.
19	
20	TO: SUZANNE SHAFER, Defendant.
21	Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan
22	Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to
23	herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant
24	SUZANNE SHAFER ("Defendant") respond to the following interrogatories and requests
25	for production.
26	Pursuant to CR 33, you are being served with the original and one copy of the
,	LAW OFFICES OF
	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 1 (206) 467-1816 MCNAUL EBEL NAWROT & HELGREN PLLC MCNAUL EBEL NAWROT & HELGREN PLLC MCNAUL EBEL NAWROT & HELGREN PLLC

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interrogatories. To facilitate preparation of answers and responses, Plaintiffs will additionally provide an electronic copy of the document to you by electronic mail at your request. Please insert your answers on the original in the space provided following each interrogatory, or use additional pages if necessary. Please serve the completed original on the undersigned. Each interrogatory is to be answered fully and separately, in writing and under oath, within 40 days of service upon you.

Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the service thereof, produce for inspection and copying the documents described below at the offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University Street, Suite 2700, Seattle, Washington 98101.

INSTRUCTIONS AND DEFINITIONS

The following definitions and instructions are intended to supplement those set forth in the Local Civil Rules, and are not intended to broaden such definitions and instructions.

A. The term "Lawsuit" whenever used herein shall be understood to mean the case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer, derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne; Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer; Julia Sokoloff; and Joellen Reineck Wilhelm,* now pending in Thurston County Superior Court.

 B. The terms "you" and "your" whenever used herein shall be understood to mean Defendant SUZANNE SHAFER individually, as well as SUZANNE SHAFER's current and former attorneys, agents, principals, employees, and/or representatives.

C. The term "Board of OFC," as used herein, shall be understood to mean the Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 2

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

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agents, principals, employees, and/or representatives.

D. The term "Boycott Policy," as used herein, shall be understood to mean the policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding the means, terms, exceptions, and procedures by which OFC shall, "whenever possible…honor nationally recognized boycotts."

E. The term "Israel Boycott," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

F. The term "Divestment," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

G. The term "Israel Boycott and Divestment policies," as used herein, shall be understood to mean the policies that came into existence as a result of the decisions described in paragraphs D and E herein.

H. These interrogatories and requests for production are intended to be a continuing obligation upon Defendant to furnish all information requested herein until final disposition of this case. Corrections and supplemental responses are required as provided for in the Rules of Civil Procedure. Plaintiffs will move the Court to exclude the testimony of any person not identified or evidence not disclosed in answers to these interrogatories, and will move to dismiss any claims related to any requested documents within the possession, custody or control of Defendant that Defendant fails to produce or to identify individually on a privilege log in response to these requests, and will move to exclude any other evidence offered by Defendant related to such documents.

I. These requests seek documents and information in the possession, custody, or control of Defendant, including (by way of example and not limitation) documents and information in the possession of Defendant's current and former attorneys, agents, principals, accountants, and appraisers.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 3

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J. In responding to each request for production, if you do not produce a document in whole or in part because you are unable to do so, or for any other reason, you are requested to state the name and address of each person whom you believe has custody, possession, or control of the document.

K. Objections and claims of privilege should not be made in a general, blanket fashion. Rather, Defendant must indicate which objections or claims of privilege are asserted with regard to each discovery request. If only part of a discovery request is objected to, Defendant should indicate which objections or claims of privilege are asserted with regard to each such part.

L. With regard to attorney-client privilege and work product doctrine objections to interrogatories, describe the factual basis for your claim of privilege, including relevant dates, persons involved in the communication, subject matters involved, all persons present when the communications occurred, all persons who have been told about any of the details of the communication, and other information which would permit the Court to adjudicate the validity of the claim of privilege.

M. With regard to each document withheld upon a claim of attorney-client privilege or work product doctrine, prepare a document-by-document privilege log stating the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended recipient(s), subject matter(s), and persons who have received the document or have been told about the contents thereof, and other information which would permit the Court to adjudicate the validity of the claim or privilege. This privilege log must be produced contemporaneously with the documents produced in response to these requests.

N. If you object in part to any request for production, please respond to the remainder completely.

O. In responding to each request for production, please identify by number each and every request to which the documents are responsive.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 4

P. All documents should be produced in the same order as they are kept or maintained by you in the ordinary course of business and in the manual, booklet, binder, file, folder, envelope, or other container in which they are ordinarily kept or maintained. If for any reason the container cannot be produced, produce copies of all labels or other identifying markings thereon.

The term "documents" or "records" are intended to be interchangeable and Q. to be construed in their broadest sense including, but not limited to any original, recorded, or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all non-identical copies of each such writing (whether different from the original because of notes made on such copy or otherwise), including but not limited to: reports, drafts, working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings, schedules, cost sheets and quotation forms, bids, computer-generated and mechanicallycreated records, laser disks, compact disks, quotations, transcriptions of telephone conversations, notes, diaries, printouts, photographs, movies, mechanical or sound recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams, tape recordings, transmittal documents, rough letters, revisions, superseded documents, telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading, amendments, modifications, revisions, agreements, bills, estimates, statements of account, claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and all other manner and form of communication not otherwise expressly described.

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PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 5

electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for work-related purposes.

(2) Backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party; and,

(3) Electronic mail messages, even if available only on backup or archive disks or tapes.

R. Except as otherwise specified herein, provide responsive machine-readable information in its original format. All databases should be in either MS Excel or MS Access. All other files should be in MS Office format, preferably 2000. All e-mail should be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM. If you have any questions concerning what constitutes an appropriate format, please contact counsel for Plaintiffs.

S. Unless otherwise specified herein, the term "computer" includes but is not limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for workrelated purposes.

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U. As used herein, the phrase "describe" means to set out every aspect of every fact, circumstance, act, omission, or course of conduct known to you relating in any way to the matter inquired about, including, without limitation, the date and place thereof, the identity of each person present, connected therewith, or who has knowledge thereof,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 6

the identity of all documents relating thereto, and if anything was said by any person, the identity of each such person and each such oral statement, and if the oral statement in whole or in part was contained, reported, summarized or referred to in any documents, the identity of each such document.

V. The term "person" means any individual, partnership, corporation, firm, association, or other business or legal entity.

W. The terms "and" and "or" wherever used herein shall be understood in both the conjunctive and disjunctive sense, synonymous with "and/or."

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"Identity" or "identify" means:

(a) when used with reference to a natural person, to state his or her full
 name, his or her present home address, present business address, present home and
 business telephone numbers, occupation, present or last known position, and business
 affiliation;

(b) when used in reference to any entity, such as a partnership, joint venture, trust, or corporation, to state the full legal name of such entity, each name under which such entity does business, the entity's street address, the entity's telephone number, the identity of the chief operating officer, manager, trustee, or other principal representative and the identity of those persons employed by or otherwise acting for such entity who are known or are believed to possess the knowledge or information responsive to the interrogatory and for which the entity was identified;

(c) when used with reference to documents, to state specifically:

 (i) the type of documents involved (e.g., letter, interoffice

 memorandum, etc.), together with information sufficient to enable defendant to
 locate the document, such as its date, the name of any addressee, the name of any

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 7

signer, the title or heading of the documents and its approximate number of pages; and (ii)the identity of the person last known to have possession of the document, together with the present or last known location of the document. If any document was, but is no longer, in your possession, custody or control, identify the document, state what disposition was made of it and the reason for such disposition. In lieu of identifying documents, copies may be provided. (d) when used with reference to damages or injuries, to state specifically: the date on which the damage or injury occurred, (i) the monetary value of the damage or injury, and (ii) any other persons or entities involved in the events or (iii) circumstances giving rise to the alleged damage or injury. when used with reference to a legal action, to state specifically: (e) the date and place each such action was filed, giving the (i) name of the court and the name of the other party or parties involved, the cause number, and the names and addresses of the attorneys representing each party; a description of the nature of each action; and 18 (ii) the result of each such action, whether there was an appeal, 19 (iii) the results of the appeal, whether such case was reported and the name, volume 20 number and page citation of such report. 22 **INTERROGATORIES** INTERROGATORY NO. 1.: Please identify every person who has been a 23 member of the Board of OFC since April 1993, including all current members of the Board 24 25 of OFC. 26 ANSWER:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO **DEFENDANTS – Page 8**

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4	ANSV	VER:
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8	INTE	RROGATORY NO. 3. : Please identify every communication from a staff
9	member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the	
10	Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted	
11	by the Board of OFC.	
12	ANSV	VER:
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16	INTE	RROGATORY NO. 4.: Please identify any expert witness you expect to
17	call at trial an	d, as to each such witness, provide:
18	(a)	The person's name, occupation, title, business address, area of specialization, if any, and professional relationship to you;
19	(b)	The subject matter on which the person is expected to testify;
20	(c)	The substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion;
21 22	(d)	All data or other information considered by the person in forming his or her opinions;
23	(e)	A statement of the person's qualifications, including a list of all publications authored by the person in the past 10 years;
24 25	(f)	The identity of any exhibits to be used as a summary of or support for the person's opinions;
26	(g)	The compensation to be paid to the person in connection with his or her work as an expert witness; and

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 9

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A list of all other cases in which the person has testified by deposition or at trial and the identity of the attorneys who questioned the person.

ANSWER:

(h)

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce all documents that relate in any way to boycotting and/or divesting from Israel, including but not limited to all documents that were considered by the Board of OFC in enacting the Israel Boycott and Divestment policies; all committee or Board minutes relating to the Israel Boycott and Divestment policies; notes and comments relating to those minutes; and all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in enacting the Israel Boycott and Divestment policies.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2.: To the extent not produced in response to a prior request for production, please produce all documents relating to any effort or consideration given by the Board of OFC to boycotting products of any country or geographic area other than Israel—whether such boycott was enacted or not—including but not limited to all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in connection therewith.

RESPONSE:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 10

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

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REQUEST FOR PRODUCTION NO. 3.: To the extent not produced in response to a prior request for production, please produce all documents that relate in any way to the rules and/or procedures of OFC regarding boycotts, including but not limited to any previous boycott policies and/or procedures and any changes to such policies and/or procedures.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4.: To the extent not produced in response to a prior request for production, please produce all communications between yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any product or products, including but not limited to communications relating to the boycott policies and procedures of OFC.

<u>RESPONSE</u>:

REQUEST FOR PRODUCTION NO. 5.: Please produce all documents identified in your Answer to Interrogatory No. 3.

RESPONSE:

INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC
By: Trifing and the second sec
Robert M. Sulkin, WSBA No. 15425
Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 11

1.1	
1	ANSWERS AND RESPONSES dated this day of, 2011.
2	
3	By:
4	SUZANNE SHAFER, Defendant
5	
6	CERTIFICATION
7	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery</i> <i>Requests to Defendants</i> and any objections thereto, and the answers, responses and objections are in compliance with CR 26(g).
8	objections are in compliance with CR 26(g).
9	
10	Ву:
11	, Attorney for Defendants
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	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO LAW OFFICES OF DEFENDANTS - Page 12 MCNAUL EBEL NAWROT & HELGREN PLL 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816 (206) 467-1816

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STATE OF WASHINGTON)) ss. COUNTY OF KING)	
/	
On this day of, 20 State of Washington, personally appeared SU the within and foregoing instrument, and ack voluntary act and deed of said party for the u	nowledged said instrument to be the free and
written.	
· · ·	Name:
	of Residing at
	My appointment expires:
[NOTARIAL SEAL]	
	· ·
	· ·
	the within and foregoing instrument, and ack voluntary act and deed of said party for the u WITNESS my hand and official seal written.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 13

. 1		Hon. Paula Casey
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4	}	
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8	SUPERIOR COURT OF WASHING	FON FOR THURSTON COUNTY
9	KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSAN	No. 11-2-01925-7
10	MAYER, derivatively on behalf of OLYMPIA FOOD COOPERATIVE,	PLAINTIFFS' FIRST DISCOVERY
11	Plaintiffs,	REQUESTS TO DEFENDANTS
12	V.	
13	GRACE COX; ROCHELLE GAUSE;	
14	ERIN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI; JACKIE KRZYZEK;	
15	JESSICA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN	
16	NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA	
17	SOKOLOFF; and JOELLEN REINECK WILHELM,	
18	Defendants.	
19		
20	TO: JULIA SOKOLOFF, Defendant	
21	Pursuant to CR 33 and CR 34, Plaintiff	s Kent and Linda Davis, Jeffrey and Susan
22	Trinin, and Susan Mayer, derivatively on behal	f of Olympia Food Cooperative (referred to
23	herein as "OFC") (referred to collectively here	in as "Plaintiffs"), request that Defendant
24	JULIA SOKOLOFF ("Defendant") respond to	the following interrogatories and requests
25	for production.	
26	Pursuant to CR 33, you are being serve	d with the original and one copy of the
	PLAINTIFFS' FIRST DISCOVERY REQUES	TS TO MCNAUL EBEL NAWROT & HELGR

DEFENDANTS – Page 1

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interrogatories. To facilitate preparation of answers and responses, Plaintiffs will additionally provide an electronic copy of the document to you by electronic mail at your request. Please insert your answers on the original in the space provided following each interrogatory, or use additional pages if necessary. Please serve the completed original on the undersigned. Each interrogatory is to be answered fully and separately, in writing and under oath, within 40 days of service upon you.

Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the service thereof, produce for inspection and copying the documents described below at the offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University Street, Suite 2700, Seattle, Washington 98101.

INSTRUCTIONS AND DEFINITIONS

The following definitions and instructions are intended to supplement those set forth in the Local Civil Rules, and are not intended to broaden such definitions and instructions.

A. The term "Lawsuit" whenever used herein shall be understood to mean the case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer, derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne; Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer; Julia Sokoloff; and Joellen Reineck Wilhelm, now pending in Thurston County Superior Court.*

B. The terms "you" and "your" whenever used herein shall be understood to
 mean Defendant JULIA SOKOLOFF individually, as well as JULIA SOKOLOFF's
 current and former attorneys, agents, principals, employees, and/or representatives.

C. The term "Board of OFC," as used herein, shall be understood to mean the Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 2

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agents, principals, employees, and/or representatives.

D. The term "Boycott Policy," as used herein, shall be understood to mean the policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding the means, terms, exceptions, and procedures by which OFC shall, "whenever possible...honor nationally recognized boycotts."

E. The term "Israel Boycott," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

F. The term "Divestment," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

G. The term "Israel Boycott and Divestment policies," as used herein, shall be understood to mean the policies that came into existence as a result of the decisions described in paragraphs D and E herein.

H. These interrogatories and requests for production are intended to be a continuing obligation upon Defendant to furnish all information requested herein until final disposition of this case. Corrections and supplemental responses are required as provided for in the Rules of Civil Procedure. Plaintiffs will move the Court to exclude the testimony of any person not identified or evidence not disclosed in answers to these interrogatories, and will move to dismiss any claims related to any requested documents within the possession, custody or control of Defendant that Defendant fails to produce or to identify individually on a privilege log in response to these requests, and will move to exclude any other evidence offered by Defendant related to such documents.

I. These requests seek documents and information in the possession, custody, or control of Defendant, including (by way of example and not limitation) documents and information in the possession of Defendant's current and former attorneys, agents, principals, accountants, and appraisers.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 3

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

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J. In responding to each request for production, if you do not produce a document in whole or in part because you are unable to do so, or for any other reason, you are requested to state the name and address of each person whom you believe has custody, possession, or control of the document.

K. Objections and claims of privilege should not be made in a general, blanket fashion. Rather, Defendant must indicate which objections or claims of privilege are asserted with regard to each discovery request. If only part of a discovery request is objected to, Defendant should indicate which objections or claims of privilege are asserted with regard to each such part.

L. With regard to attorney-client privilege and work product doctrine objections to interrogatories, describe the factual basis for your claim of privilege, including relevant dates, persons involved in the communication, subject matters involved, all persons present when the communications occurred, all persons who have been told about any of the details of the communication, and other information which would permit the Court to adjudicate the validity of the claim of privilege.

M. With regard to each document withheld upon a claim of attorney-client privilege or work product doctrine, prepare a document-by-document privilege log stating the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended recipient(s), subject matter(s), and persons who have received the document or have been told about the contents thereof, and other information which would permit the Court to adjudicate the validity of the claim or privilege. This privilege log must be produced contemporaneously with the documents produced in response to these requests.

N. If you object in part to any request for production, please respond to the remainder completely.

O. In responding to each request for production, please identify by number each and every request to which the documents are responsive.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 4

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P. All documents should be produced in the same order as they are kept or maintained by you in the ordinary course of business and in the manual, booklet, binder, file, folder, envelope, or other container in which they are ordinarily kept or maintained. If for any reason the container cannot be produced, produce copies of all labels or other identifying markings thereon.

The term "documents" or "records" are intended to be interchangeable and 0. to be construed in their broadest sense including, but not limited to any original, recorded, or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all non-identical copies of each such writing (whether different from the original because of notes made on such copy or otherwise), including but not limited to: reports, drafts, working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings, schedules, cost sheets and quotation forms, bids, computer-generated and mechanicallycreated records, laser disks, compact disks, quotations, transcriptions of telephone conversations, notes, diaries, printouts, photographs, movies, mechanical or sound recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams, tape recordings, transmittal documents, rough letters, revisions, superseded documents, telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading, amendments, modifications, revisions, agreements, bills, estimates, statements of account, claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and all other manner and form of communication not otherwise expressly described.

As noted, the terms "documents" or "records" include, among other information, information stored in machine-readable form. In determining where responsive documents in this form might be located, consider whether you have any equipment or media which contain "documents" as defined herein, including but not limited to:

(1) Desktop personal computers (PCs) or workstations; PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 5

electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for work-related purposes.

(2) Backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party; and,

(3) Electronic mail messages, even if available only on backup or archive disks or tapes.

R. Except as otherwise specified herein, provide responsive machine-readable information in its original format. All databases should be in either MS Excel or MS Access. All other files should be in MS Office format, preferably 2000. All e-mail should be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM. If you have any questions concerning what constitutes an appropriate format, please contact counsel for Plaintiffs.

S. Unless otherwise specified herein, the term "computer" includes but is not limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for workrelated purposes.

T. As used herein, the term "backup" includes but is not limited to backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party.

U. As used herein, the phrase "describe" means to set out every aspect of every fact, circumstance, act, omission, or course of conduct known to you relating in any way to the matter inquired about, including, without limitation, the date and place thereof, the identity of each person present, connected therewith, or who has knowledge thereof,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 6 LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816

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the identity of all documents relating thereto, and if anything was said by any person, the identity of each such person and each such oral statement, and if the oral statement in whole or in part was contained, reported, summarized or referred to in any documents, the identity of each such document.

V. The term "person" means any individual, partnership, corporation, firm, association, or other business or legal entity.

W. The terms "and" and "or" wherever used herein shall be understood in both the conjunctive and disjunctive sense, synonymous with "and/or."

X. The terms "any" and "all" wherever used herein shall be understood in their most inclusive sense, synonymous with "any or all."

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"Identity" or "identify" means:

(a) when used with reference to a natural person, to state his or her full name, his or her present home address, present business address, present home and business telephone numbers, occupation, present or last known position, and business affiliation;

(b) when used in reference to any entity, such as a partnership, joint venture, trust, or corporation, to state the full legal name of such entity, each name under which such entity does business, the entity's street address, the entity's telephone number, the identity of the chief operating officer, manager, trustee, or other principal representative and the identity of those persons employed by or otherwise acting for such entity who are known or are believed to possess the knowledge or information responsive to the interrogatory and for which the entity was identified;

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(c) when used with reference to documents, to state specifically:

(i) the type of documents involved (e.g., letter, interoffice memorandum, etc.), together with information sufficient to enable defendant to locate the document, such as its date, the name of any addressee, the name of any

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 7

1 signer, the title or heading of the documents and its approximate number of pages; 2 and 3 (ii) the identity of the person last known to have possession of 4 the document, together with the present or last known location of the document. If 5 any document was, but is no longer, in your possession, custody or control, 6 identify the document, state what disposition was made of it and the reason for 7 such disposition. In lieu of identifying documents, copies may be provided. 8 (d) when used with reference to damages or injuries, to state 9 specifically: 10 (i) the date on which the damage or injury occurred, 11 (ii) the monetary value of the damage or injury, and 12 (iii) any other persons or entities involved in the events or 13 circumstances giving rise to the alleged damage or injury. 14 (e) when used with reference to a legal action, to state specifically: 15 (i) the date and place each such action was filed, giving the 16 name of the court and the name of the other party or parties involved, the cause 17 number, and the names and addresses of the attorneys representing each party; 18 (ii) a description of the nature of each action; and 19 (iii) the result of each such action, whether there was an appeal, 20 the results of the appeal, whether such case was reported and the name, volume 21 number and page citation of such report. 22 **INTERROGATORIES** 23 **INTERROGATORY NO. 1.:** Please identify every person who has been a 24 member of the Board of OFC since April 1993, including all current members of the Board 25 of OFC. 26 ANSWER:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 8

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	INTE	RROGATORY NO. 2. : Please identify every person who was a staff
2	member of Ol	FC at the time the Israel Boycott and Divestment policies were considered
. 3	and/or enacted	d by the Board of OFC.
4	ANSV	<u>VER</u> :
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8	INTE	RROGATORY NO. 3. : Please identify every communication from a staff
9	member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the	
10	Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted	
11	by the Board of OFC.	
12	ANSWER:	
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16	INTE	RROGATORY NO. 4. : Please identify any expert witness you expect to
16 17		RROGATORY NO. 4. : Please identify any expert witness you expect to d, as to each such witness, provide:
17 18		
17 18 19	call at trial and	d, as to each such witness, provide: The person's name, occupation, title, business address, area of
17 18 19 20	call at trial and (a)	d, as to each such witness, provide: The person's name, occupation, title, business address, area of specialization, if any, and professional relationship to you; The subject matter on which the person is expected to testify; The substance of the facts and opinions to which the person is expected to
17 18 19	call at trial and (a) (b)	d, as to each such witness, provide: The person's name, occupation, title, business address, area of specialization, if any, and professional relationship to you; The subject matter on which the person is expected to testify; The substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion; All data or other information considered by the person in forming his or her
17 18 19 20 21 22 23	call at trial and (a) (b) (c)	d, as to each such witness, provide: The person's name, occupation, title, business address, area of specialization, if any, and professional relationship to you; The subject matter on which the person is expected to testify; The substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion;
17 18 19 20 21 22	call at trial and (a) (b) (c) (d)	 d, as to each such witness, provide: The person's name, occupation, title, business address, area of specialization, if any, and professional relationship to you; The subject matter on which the person is expected to testify; The substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion; All data or other information considered by the person in forming his or her opinions; A statement of the person's qualifications, including a list of all

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 9

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A list of all other cases in which the person has testified by deposition or at trial and the identity of the attorneys who questioned the person.

ANSWER:

(h)

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce all documents that relate in any way to boycotting and/or divesting from Israel, including but not limited to all documents that were considered by the Board of OFC in enacting the Israel Boycott and Divestment policies; all committee or Board minutes relating to the Israel Boycott and Divestment policies; notes and comments relating to those minutes; and all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in enacting the Israel Boycott and Divestment policies.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2.: To the extent not produced in response to a prior request for production, please produce all documents relating to any effort or consideration given by the Board of OFC to boycotting products of any country or geographic area other than Israel—whether such boycott was enacted or not—including but not limited to all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in connection therewith.

RESPONSE:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 10

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REQUEST FOR PRODUCTION NO. 3.: To the extent not produced in response to a prior request for production, please produce all documents that relate in any way to the rules and/or procedures of OFC regarding boycotts, including but not limited to any previous boycott policies and/or procedures and any changes to such policies and/or procedures.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4.: To the extent not produced in response to a prior request for production, please produce all communications between yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any product or products, including but not limited to communications relating to the boycott policies and procedures of OFC.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5.: Please produce all documents identified in your Answer to Interrogatory No. 3.

RESPONSE:

INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of September, 2011.

MCNAULEBEL NAWROT & HELGREN PLLC By: Robert M. Sulkin, WSBA No. 15425

Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 11

1	ANSWERS AND RESPONSES dated this day of, 2011.		
2			
3	By:		
4	JULIA SOKOLOFF, Defendant		
5	· · ·		
6	CERTIFICATION		
7	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery</i> Requests to Defendants and any objections thereto, and the answers, responses and		
8	Requests to Defendants and any objections thereto, and the answers, responses and objections are in compliance with CR 26(g).		
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10	Ву:		
11	, Attorney for Defendants		
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	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 12 DEFENDANTS – Page 12		

PLLC

1	VERIFICATION		
2	STATE OF WASHINGTON		
3) ss. COUNTY OF KING)		
4			
5	On this day of, 2011, before me, a Notary Public in and for the State of Washington, personally appeared JULIA SOKOLOFF, the party who executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said party for the uses and purposes therein mentioned.		
6			
7	WITNESS my hand and official seal hereto affixed the day and year first as above		
8	written.		
9	Name:		
10	of		
11	Residing at My appointment expires:		
12	[NOTARIAL SEAL]		
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PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 13

1		Hon. Paula Casey	
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8	SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY		
9	KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSAN	No. 11-2-01925-7	
10	MAYER, derivatively on behalf of		
11	OLYMPIA FOOD COOPERATIVE,	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS	
12	Plaintiffs,		
13	V		
14	GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE		
15	· KASZYNSKI; JACKIE KRZYŻEK; JESSICA LAING; RON LAVIGNE;		
16	HARRY LEVINÉ; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB		
17	RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK		
18	WILHELM,		
19	Defendants.		
20	TO: JOELLEN REINECK WILHELM, Defendant.		
21	Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan		
22	Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to		
23	herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant		
24	JOELLEN REINECK WILHELM ("Defendant") respond to the following interrogatories		
25	and requests for production.		
26	Pursuant to CR 33, you are being served with the original and one copy of the		
1	•	LAW OFFICES OF	

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 1

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interrogatories. To facilitate preparation of answers and responses, Plaintiffs will additionally provide an electronic copy of the document to you by electronic mail at your request. Please insert your answers on the original in the space provided following each interrogatory, or use additional pages if necessary. Please serve the completed original on the undersigned. Each interrogatory is to be answered fully and separately, in writing and under oath, within 40 days of service upon you.

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The following definitions and instructions are intended to supplement those set forth in the Local Civil Rules, and are not intended to broaden such definitions and instructions.

A. The term "Lawsuit" whenever used herein shall be understood to mean the case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer, derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne; Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer; Julia Sokoloff; and Joellen Reineck Wilhelm, now pending in Thurston County Superior Court.*

 B. The terms "you" and "your" whenever used herein shall be understood to mean Defendant JOELLEN REINECK WILHELM individually, as well as JOELLEN REINECK WILHELM's current and former attorneys, agents, principals, employees, and/or representatives.

C.

The term "Board of OFC," as used herein, shall be understood to mean the

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 2

Board of Directors of the Olympia Food Cooperative, and its current and former attorneys, agents, principals, employees, and/or representatives.

D. The term "Boycott Policy," as used herein, shall be understood to mean the policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding the means, terms, exceptions, and procedures by which OFC shall, "whenever possible...honor nationally recognized boycotts."

E. The term "Israel Boycott," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

F. The term "Divestment," as used herein, shall be understood to mean the decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

G. The term "Israel Boycott and Divestment policies," as used herein, shall be understood to mean the policies that came into existence as a result of the decisions described in paragraphs D and E herein.

H. These interrogatories and requests for production are intended to be a continuing obligation upon Defendant to furnish all information requested herein until final disposition of this case. Corrections and supplemental responses are required as provided for in the Rules of Civil Procedure. Plaintiffs will move the Court to exclude the testimony of any person not identified or evidence not disclosed in answers to these interrogatories, and will move to dismiss any claims related to any requested documents within the possession, custody or control of Defendant that Defendant fails to produce or to identify individually on a privilege log in response to these requests, and will move to exclude any other evidence offered by Defendant related to such documents.

I. These requests seek documents and information in the possession, custody, or control of Defendant, including (by way of example and not limitation) documents and information in the possession of Defendant's current and former attorneys, agents,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 3
principals, accountants, and appraisers.

J. In responding to each request for production, if you do not produce a document in whole or in part because you are unable to do so, or for any other reason, you are requested to state the name and address of each person whom you believe has custody, possession, or control of the document.

K. Objections and claims of privilege should not be made in a general, blanket fashion. Rather, Defendant must indicate which objections or claims of privilege are asserted with regard to each discovery request. If only part of a discovery request is objected to, Defendant should indicate which objections or claims of privilege are asserted with regard to each such part.

L. With regard to attorney-client privilege and work product doctrine objections to interrogatories, describe the factual basis for your claim of privilege, including relevant dates, persons involved in the communication, subject matters involved, all persons present when the communications occurred, all persons who have been told about any of the details of the communication, and other information which would permit the Court to adjudicate the validity of the claim of privilege.

M. With regard to each document withheld upon a claim of attorney-client privilege or work product doctrine, prepare a document-by-document privilege log stating the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended recipient(s), subject matter(s), and persons who have received the document or have been told about the contents thereof, and other information which would permit the Court to adjudicate the validity of the claim or privilege. This privilege log must be produced contemporaneously with the documents produced in response to these requests.

N. If you object in part to any request for production, please respond to the remainder completely.

O. In responding to each request for production, please identify by number

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 4

each and every request to which the documents are responsive.

P. All documents should be produced in the same order as they are kept or maintained by you in the ordinary course of business and in the manual, booklet, binder, file, folder, envelope, or other container in which they are ordinarily kept or maintained.
If for any reason the container cannot be produced, produce copies of all labels or other identifying markings thereon.

The term "documents" or "records" are intended to be interchangeable and Q. to be construed in their broadest sense including, but not limited to any original, recorded, or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all non-identical copies of each such writing (whether different from the original because of notes made on such copy or otherwise), including but not limited to: reports, drafts, working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings, schedules, cost sheets and quotation forms, bids, computer-generated and mechanicallycreated records, laser disks, compact disks, quotations, transcriptions of telephone conversations, notes, diaries, printouts, photographs, movies, mechanical or sound recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams, tape recordings, transmittal documents, rough letters, revisions, superseded documents, telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading, amendments, modifications, revisions, agreements, bills, estimates, statements of account, claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and all other manner and form of communication not otherwise expressly described.

As noted, the terms "documents" or "records" include, among other information, information stored in machine-readable form. In determining where responsive documents in this form might be located, consider whether you have any equipment or media which contain "documents" as defined herein, including but not limited to:

(1) Desktop personal computers (PCs) or workstations; PCs,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 5

workstations, minicomputers, or mainframes used as file servers, application servers, or electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for work-related purposes.

(2) Backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party; and,

(3) Electronic mail messages, even if available only on backup or archive disks or tapes.

R. Except as otherwise specified herein, provide responsive machine-readable information in its original format. All databases should be in either MS Excel or MS Access. All other files should be in MS Office format, preferably 2000. All e-mail should be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM. If you have any questions concerning what constitutes an appropriate format, please contact counsel for Plaintiffs.

S. Unless otherwise specified herein, the term "computer" includes but is not limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers, application servers, or electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other portable computers; and home computers used for workrelated purposes.

T. As used herein, the term "backup" includes but is not limited to backup disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage, whether stored on-site with the computers used to generate them or off-site in another computer facility or by a third party.

U. As used herein, the phrase "describe" means to set out every aspect of every fact, circumstance, act, omission, or course of conduct known to you relating in any way to the matter inquired about, including, without limitation, the date and place thereof,

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 6

the identity of each person present, connected therewith, or who has knowledge thereof, the identity of all documents relating thereto, and if anything was said by any person, the identity of each such person and each such oral statement, and if the oral statement in whole or in part was contained, reported, summarized or referred to in any documents, the identity of each such document.

V. The term "person" means any individual, partnership, corporation, firm, association, or other business or legal entity.

W. The terms "and" and "or" wherever used herein shall be understood in both the conjunctive and disjunctive sense, synonymous with "and/or."

X. The terms "any" and "all" wherever used herein shall be understood in their most inclusive sense, synonymous with "any or all."

Y. "Identity" or "identify" means:

(a) when used with reference to a natural person, to state his or her full name, his or her present home address, present business address, present home and business telephone numbers, occupation, present or last known position, and business affiliation;

(b) when used in reference to any entity, such as a partnership, joint venture, trust, or corporation, to state the full legal name of such entity, each name under which such entity does business, the entity's street address, the entity's telephone number, the identity of the chief operating officer, manager, trustee, or other principal representative and the identity of those persons employed by or otherwise acting for such entity who are known or are believed to possess the knowledge or information responsive to the interrogatory and for which the entity was identified;

(c) when used with reference to documents, to state specifically:

(i) the type of documents involved (e.g., letter, interoffice memorandum, etc.), together with information sufficient to enable defendant to

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 7

locate the document, such as its date, the name of any addressee, the name of any signer, the title or heading of the documents and its approximate number of pages; and

(ii) the identity of the person last known to have possession of the document, together with the present or last known location of the document. If any document was, but is no longer, in your possession, custody or control, identify the document, state what disposition was made of it and the reason for such disposition. In lieu of identifying documents, copies may be provided.

(d) when used with reference to damages or injuries, to state specifically:

(i) the date on which the damage or injury occurred,

(ii) the monetary value of the damage or injury, and

(iii) any other persons or entities involved in the events or circumstances giving rise to the alleged damage or injury.

(e) when used with reference to a legal action, to state specifically:

(i) the date and place each such action was filed, giving the name of the court and the name of the other party or parties involved, the cause number, and the names and addresses of the attorneys representing each party;

(ii) a description of the nature of each action; and

(iii) the result of each such action, whether there was an appeal, the results of the appeal, whether such case was reported and the name, volume number and page citation of such report.

INTERROGATORIES

INTERROGATORY NO. 1.: Please identify every person who has been a member of the Board of OFC since April 1993, including all current members of the Board of OFC.

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 8 LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816

1

ANSWER:

INTERROGATORY NO. 2.: Please identify every person who was a staff member of OFC at the time the Israel Boycott and Divestment policies were considered and/or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 3.: Please identify every communication from a staff member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 4.: Please identify any expert witness you expect to

call at trial and, as to each such witness, provide:

- (a) The person's name, occupation, title, business address, area of specialization, if any, and professional relationship to you;
- (b) The subject matter on which the person is expected to testify;
- (c) The substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion;
- (d) All data or other information considered by the person in forming his or her opinions;
- (e) A statement of the person's qualifications, including a list of all publications authored by the person in the past 10 years;
- (f) The identity of any exhibits to be used as a summary of or support for the person's opinions;

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 9

- (g) The compensation to be paid to the person in connection with his or her work as an expert witness; and
- (h) A list of all other cases in which the person has testified by deposition or at trial and the identity of the attorneys who questioned the person.

ANSWER:

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce all documents that relate in any way to boycotting and/or divesting from Israel, including but not limited to all documents that were considered by the Board of OFC in enacting the Israel Boycott and Divestment policies; all committee or Board minutes relating to the Israel Boycott and Divestment policies; notes and comments relating to those minutes; and all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in enacting the Israel Boycott and Divestment policies.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2.: To the extent not produced in response to a prior request for production, please produce all documents relating to any effort or consideration given by the Board of OFC to boycotting products of any country or geographic area other than Israel—whether such boycott was enacted or not—including but not limited to all documents that reference or discuss the policies and/or procedures considered and/or followed by the Board of OFC in connection therewith.

<u>RESPONSE</u>:

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 10

REQUEST FOR PRODUCTION NO. 3.: To the extent not produced in response to a prior request for production, please produce all documents that relate in any way to the rules and/or procedures of OFC regarding boycotts, including but not limited to any previous boycott policies and/or procedures and any changes to such policies and/or procedures.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4.: To the extent not produced in response to a prior request for production, please produce all communications between yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any product or products, including but not limited to communications relating to the boycott policies and procedures of OFC.

<u>RESPONSE</u>:

REQUEST FOR PRODUCTION NO. 5.: Please produce all documents identified in your Answer to Interrogatory No. 3.

RESPONSE:

INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of September, 2011.

MCNAUL EBEL NAWROT & HELGREN PLLC By:

Robert M. Sulkin, WSBA No. 15425 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS – Page 11

1	ANSWERS AND RESPONSES dated this day of, 2011.
2	
3	By:
4	By: JOELLEN REINECK WILHELM, Defendant
5	
6	CERTIFICATION
7	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery</i>
8	Plaintiffs certify that they have read the foregoing <i>Plaintiffs' First Discovery</i> <i>Requests to Defendants</i> and any objections thereto, and the answers, responses and objections are in compliance with CR 26(g).
9	
10	By:
11	, Attorney for Defendants
12	,*********************************
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	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO LAW OFFICES OF DEFENDANTS – Page 12 MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816 (206) 467-1816

1	VERIFICATION
2	STATE OF WASHINGTON)
3) ss. COUNTY OF KING)
4	Out the second second second second second for the
5	On this day of, 2011, before me, a Notary Public in and for the State of Washington, personally appeared JOELLEN REINECK WILHELM, the party who executed the within and foregoing instrument, and acknowledged said instrument to
6	be the free and voluntary act and deed of said party for the uses and purposes therein
7	mentioned. WITNESS my hand and official seal hereto affixed the day and year first as above
8	written.
9	Name:
10	NOTARY PUBLIC in and for the State
11	Of Residing at My appointment expires:
12	[NOTARIAL SEAL]
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	PLAINTIFFS' FIRST DISCOVERY REQUESTS TO LAW OFFICES OF DEFENDANTS – Page 13 MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816 (206) 467-1816

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EXHIBIT C

1	Hon. Paula Casey
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7	
8	SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY
9	KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ: and SUSAN No. 11-2-01925-7
10	MAYER, derivatively on behalf of
11	OLYMPIA FOOD COOPERATIVE, NOTICE OF VIDEOTAPED DEPOSITION OF GRACE COX
12	Plaintiffs,
13	V.
14	GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE
15	KASZYNSKI; JACKIE KRZYZEK; JEŚSICA LAING; RON LAVIGNE;
16	HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB
17	RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK
18	WILHELM,
19	Defendants.
20	TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;
21	JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSIĆA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN
22	REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM, Defendants;
23	AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for
24	Defendants
25	PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and
26	Susan Trinin; and Susan Mayer will take the videotaped deposition of Grace Cox at the
	LAW OFFICES OF

NOTICE OF VIDEOTAPED DEPOSITION OF **GRACE COX** – Page 1

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1	following time and place:
2	DATE: October 31, 2011
3	TIME: 1:30 pm
4	
5	PLACE: Washington Farm Bureau 975 Carpenter Road Northeast Green Room
6	Lacey, WA 98516
7	The deposition will be subject to continuance from time to time or place to place until
8	completed.
9	DATED this 30 th day of September, 2011.
10	
11	McNAUL EBEL NAWROT & HELGREN PLLC
12	By: NO 15425
13	Robert M. Sulkin, WSBA No. 15425 Avi J. Lipman, WSBA No. 37661
14	Attorneys for Plaintiffs
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	LAW OFFICES OF LAW OFFICES OF MCNAUL EBEL NAWROT & HE

NOTICE OF VIDEOTAPED DEPOSITION OF GRACE COX – Page 2

		Hon. Paula Casey
	SUPERIOR COURT OF WASHINGT	ON FOR THURSTON COUNTY
	KENT L. and LINDA DAVIS; JEFFREY	
	and SUSAN TRININ; and SUSAN MAYER, derivatively on behalf of	No. 11-2-01925-7
	OLYMPIA FOOD COOPERATIVE,	NOTICE OF VIDEOTAPED DEPOSITION OF ROCHELLE
	Plaintiffs,	GAUSE
	V.	
	GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE	
	KASZYNSKI; JACKIE KRZYŻEK; JESSICA LAING; RON LAVIGNE;	
	HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB	
,	RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK	
;	WILHELM, Defendants.	
)	TO: GRACE COX; ROCHELLE GA	AUSE; ERIN GENIA; T.J. JOHNSON;
	LAVIGNE: HARRY LEVINE:	E KRZYZEK; JESSICA LAING; RON ERIC MAPES; JOHN NASON; JOHN
	and JOELLEN REINECK WIL	JZANNE SHAFER; JULIA SOKOLOFF HELM, Defendants;
		Wright Tremaine, LLLP, counsel for
	Defendants	
;	PLEASE TAKE NOTICE that Plaintif	's Kent L. and Linda Davis; Jeffrey and
;	Susan Trinin; and Susan Mayer will take the v	deotaped deposition of Rochelle Gause

NOTICE OF VIDEOTAPED DEPOSITION OF **ROCHELLE GAUSE** – Page 1

1	the following time and plac	e:	
2	DATE:	November 1, 2011	
3	TIME:	1:30 pm	
4	PLACE:	Washington Farm Bureau	
5		975 Carpenter Road Northeast Green Room	
6		Lacey, WA 98516	
7	The deposition will be subj	ect to continuance from time to time	e or place to place until
8	completed.		
9	DATED this 30 th da	ay of September, 2011.	
10		McNAUL EBEL NAWR	OT & HELGREN PLLC
11			
12		By: Robert M. Sulkin	, WSBA No. 15425
13		Avi J. Lipman, W Attorneys for Plaintiffs	/SBA No. 37661
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.'	NOTICE OF VIDEOTAP ROCHELLE GAUSE –	ED DEPOSITION OF Page 2	LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLL 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816

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	1	Hon, Paula Casey
-		
	SUPERIOR COURT OF WASHING	TON FOR THURSTON COUNTY
	. and LINDA DAVIS; JEFFREY	
MAYE	SAN TRININ; and SUSAN R, derivatively on behalf of	No. 11-2-01925-7
OLYM	PIA FOOD COOPERATIVE,	NOTICE OF VIDEOTAPED DEPOSITION OF ERIN GENIA
	Plaintiffs,	
	V.	· ·
GRACI ERIN C	COX; ROCHELLE GAUSE; ENIA; T.J. JOHNSON; JAYNE	
	NSKI; JACKIE KRZYZEK; A LAING; RON LAVIGNE;	
	(LEVINE; ERIC MAPES; JOHN I; JOHN REGAN; ROB	
	RDS; SUZANNE SHAFER; JULIA OFF; and JOELLEN REINECK	
WILHE	LM,	
	Defendants.	
TO:	GRACE COX; ROCHELLE G	- AUSE; ERIN GENIA; T.J. JOHNSON;
	JAYNE KASZYNSKI; JACKI	E KRŻYZEK; JESSICA LAING; RON ; ERIC MAPES; JOHN NASON; JOHN
	REGAN; ROB RICHARDS; S and JOELLEN REINECK WI	UZANNE SHAFER; JULIA SOKOLOFF;
AND T	· · · · ·	s Wright Tremaine, LLLP, counsel for
	Defendants	
	PLEASE TAKE NOTICE that Plainti	ffs Kent L. and Linda Davis; Jeffrey and
Sucon 7	rinin: and Susan Mayer will take the y	videotaped deposition of Erin Genia at the

NOTICE OF VIDEOTAPED DEPOSITION OF **ERIN GENIA** – Page 1

1	following time and	l place:		
2	DA	TE:	November 30, 2011	
3	TIN	ME:	9:30 am	
4	PL.	ACE:	Washington Farm Bureau 975 Carpenter Road Northeast Green Room	
6			Lacey, WA 98516	
7	The deposition wi	ll be subjec	ct to continuance from time to time or	place to place until
8	completed.			
9	DATED th	nis 30 th day	of September, 2011.	
10			McNAUL EBEL NAWROT	& HELGREN PLLC
11				
12			By:Robert M. Sulkin. W	SBA No. 15425
13			Robert M. Sulkin, W Avi J. Lipman, WSB Attorneys for Plaintiffs	A.No. 37661
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	NOTICE OF VII ERIN GENIA -	DEOTAPE Page 2	D DEPOSITION OF	LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816

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<u>ا</u> م	1		Hon. Paula Casey			
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8	SUP	ERIOR COURT OF WASHING	TON FOR THURSTON COUNTY			
9	KENT L. and	LINDA DAVIS; JEFFREY FRININ; and SUSAN	No. 11-2-01925-7			
10	MAYER, der	ivatively on behalf of	NOTICE OF VIDEOTAPED			
11	OLYMPIA F	OOD COOPERATIVE,	DEPOSITION OF T.J. JOHNSON			
12		Plaintiffs,				
13	v.		· · ·			
14	GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE					
15	JESSICA LA	I; JACKIE KRZYZEK; ING; RON LAVIGNE;				
16	NASON; JOI	/INE; ERIC MAPES; JOHN HN REGAN; ROB				
17	RICHARDS; SOKOLOFF; WILHELM,	SUZANNE SHAFER; JULIA and JOELLEN REINECK				
18	wilnelwi,	Defendente				
19		Defendants.]			
20	TO:	GRACE COX; ROCHELLE G	AUSE; ERIN GENIA; T.J. JOHNSON;			
21		LAVIGNE: HARRY LEVINE	E KRZYZEK; JESSICA LAING; RON ; ERIC MAPES; JOHN NASON; JOHN			
22		and JOELLEN REINECK WII	UZANNE SHAFER; JULIA SOKOLOFF; LHELM, Defendants;			
23	AND TO:		s Wright Tremaine, LLLP, counsel for			
24		Defendants				
25	PLEA	SE TAKE NOTICE that Plaintin	ffs Kent L. and Linda Davis; Jeffrey and			
26	Susan Trinin	; and Susan Mayer will take the v	videotaped deposition of T.J. Johnson at the			
			LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN			

NOTICE OF VIDEOTAPED DEPOSITION OF **T.J. JOHNSON** – Page 1

1	following time and place:	
2	DATE:	November 2, 2011
3	TIME:	9:30 am
4	PLACE:	Washington Farm Bureau
5		975 Carpenter Road Northeast Green Room
6		Lacey, WA 98516
7	The deposition will be subj	ect to continuance from time to time or place to place until
8	completed.	
9	DATED this 30 th da	y of September, 2011.
10		MCNAUL EBEL NAWROT & HELGREN PLLC
11		
12	· · ·	By: Robert M. Sulkin, WSBA No. 15425
13		Avi J. Lipman, WSBA No. 37661 Attorneys for Plaintiffs
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	NOTICE OF VIDEOTAP T.J. JOHNSON – Page 2	ED DEPOSITION OF MCNAUL EBEL NAWROT & HELG 600 University Street, Suite 2700 Seattle, Washington 98 101-3143

REN PLLC Seattle, Washington 98101-3143 (206) 467-1816

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1	Hon. Paula Casey
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8	SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY
9	KENT L. and LINDA DAVIS; JEFFREY
10	and SUSAN TRININ; and SUSAN No. 11-2-01925-7 MAYER, derivatively on behalf of
11	OLYMPIA FOOD COOPERATIVE, Plaintiffs, NOTICE OF VIDEOTAPED DEPOSITION OF JAYNE KASZYNSKI
12	
13	
14	GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE
15	KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON LAVIGNE;
16	HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB
17	RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK
18	WILHELM,
19	Defendants.
20	TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;
21	JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN
22	REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM, Defendants;
23	AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for
24	Defendants
25	PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and
26	Susan Trinin; and Susan Mayer will take the videotaped deposition of Jayne Kaszynski
	LAW OFFICES OF

NOTICE OF VIDEOTAPED DEPOSITION OF JAYNE KASZYNSKI – Page 1

1	at the following time and place	::
2	DATE: N	November 2, 2011
3	TIME: 1	:30 pm
4	9	Washington Farm Bureau 975 Carpenter Road Northeast
5		Green Room Lacey, WA 98516
6		
7	The deposition will be subject	to continuance from time to time or place to place until
8	completed.	
9	DATED this 30 th day o	f September, 2011.
10		McNAUL EBEL NAWROT & HELGREN PLLC
11		
12		By: Robert M. Sulkin, WSBA No. 15425
13		Avi J. Lipman, WSBA No. 37661
14		Attorneys for Plaintiffs
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NOTICE OF VIDEOTAPED DEPOSITION OF **JAYNE KASZYNSKI** – Page 2

1 2 3			Hon. Paula Casey
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8	SUP	ERIOR COURT OF WASHINGT	TON FOR THURSTON COUNTY
9	KENT L. and	LINDA DAVIS; JEFFREY	N. 11.0.01005 7
10	MAYER, der	TRININ; and SUSAN ivatively on behalf of	No. 11-2-01925-7
11	OLYMPIA F	OOD COOPERATIVE,	NOTICE OF VIDEOTAPED DEPOSITION OF JACKIE
12		Plaintiffs,	KRZYZEK
13	v .		
14	GRACE COX ERIN GENIA	X; ROCHELLE GAUSE; A; T.J. JOHNSON; JAYNE	
15	KASZYNSK	I; JACKIE KRZYZEK; JNG; RON LAVIGNE;	
16	HARRY LEV NASON: JOI	VINE; ERIC MAPES; JOHN HN REGAN; ROB	
17	RICHARDS:	SUZANNE SHAFER; JULIA and JOELLEN REINECK	
18	WILHELM,	, ,	
19		Defendants.	
20	TO:	GRACE COX: ROCHELLE G	AUSE; ERIN GENIA; T.J. JOHNSON;
21	10.	JAYNE KASZYNSKI; JACKI LAVIGNE: HARRY LEVINE:	E KRZYZEK; JESSICA LAING; RON ERIC MAPES; JOHN NASON; JOHN
22		REGAN; ROB RICHARDS; S and JOELLEN REINECK WIL	UZANNE SHAFER; JULIA SOKOLOFF;
23	AND TO:		s Wright Tremaine, LLLP, counsel for
24	AND IO.	Defendants	······································
25	PL F4	ASE TAKE NOTICE that Plaintif	fs Kent L. and Linda Davis; Jeffrey and
26			videotaped deposition of Jackie Krzyzek at
20	Juoun milli	, min consult tranger train mile the	

NOTICE OF VIDEOTAPED DEPOSITION OF JACKIE KRZYZEK – Page 1

1	the following time and place	ce:
2	DATE:	December 1, 2011
3	TIME:	1:30 pm
4	PLACE:	Washington Farm Bureau 975 Carpenter Road Northeast
5 6		Green Room Lacey, WA 98516
7	The deposition will be sub	ject to continuance from time to time or place to place until
8	completed.	
9	DATED this 30 th d	ay of September, 2011.
10		McNAUL EBEL NAWROT & HELGREN PLLC
11		MENAOL EBEL NAWKOT & HELOKEN HELC
12		By: Robert M. Sulkin, WSBA No. 15425
13		Avi J. Lipman, WSBA No. 37661 Attorneys for Plaintiffs
14		
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	NOTICE OF VIDEOTAF	LAW OFFICES OF PED DEPOSITION OF 600 University Street, Suite 2700

JACKIE KRZYZEK – Page 2

1			Hon. Paula Casey
2			
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8	SUP	ERIOR COURT OF WASHING	TON FOR THURSTON COUNTY
9		LINDA DAVIS; JEFFREY IRININ; and SUSAN	No. 11-2-01925-7
10	MAYER, der	ivatively on behalf of	NOTICE OF VIDEOTAPED
11		OOD COOPERATIVE,	DEPOSITION OF JESSICA LAING
12		Plaintiffs,	
13			
14	ERIN GENIA	K; ROCHELLE GAUSE; A; T.J. JOHNSON; JAYNE	
15	JESSICA LA	I; JACKIE KRZYZEK; ING; RON LAVIGNE;	
16 ·	NASON; JOI	VINE; ERIC MAPES; JOHN IN REGAN; ROB	
17	SOKOLOFF;	SUZANNE SHAFER; JULIA and JOELLEN REINECK	
18	WILFIELW,	Defendants.	
19		Derendants.	
20	TO:	GRACE COX; ROCHELLE G	AUSE; ERIN GENIA; T.J. JOHNSON; E KRZYZEK; JESSICA LAING; RON
21		LAVIGNE; HARRY LEVINE	; ERIC MAPES; JOHN NASON; JOHN UZANNE SHAFER; JULIA SOKOLOFF;
22		and JOELLEN REINECK WI	LHELM, Defendants;
23	AND TO:		s Wright Tremaine, LLLP, counsel for
24		Defendants	
25	PLEA	SE TAKE NOTICE that Plaintin	fs Kent L. and Linda Davis; Jeffrey and
26	Susan Trining	and Susan Mayer will take the v	videotaped deposition of Jessica Laing at
•	NOTICE OF	VIDEOTADED DEDOSITION	LAW OFFICES OF MCNAUL EBEL NAWROT & HELGE

NOTICE OF VIDEOTAPED DEPOSITION OF JESSICA LAING – Page 1 LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816

2

pleted.	December 2, 2011 1:30 pm Washington Farm Bureau 975 Carpenter Road Northeast Green Room Lacey, WA 98516 bject to continuance from time to time or place to place until day of September, 2011.
TIME: PLACE: deposition will be sub bleted.	1:30 pm Washington Farm Bureau 975 Carpenter Road Northeast Green Room Lacey, WA 98516 bject to continuance from time to time or place to place until
PLACE: deposition will be sub bleted.	Washington Farm Bureau 975 Carpenter Road Northeast Green Room Lacey, WA 98516 bject to continuance from time to time or place to place until
deposition will be sub bleted.	975 Carpenter Road Northeast Green Room Lacey, WA 98516 bject to continuance from time to time or place to place until
pleted.	Green Room Lacey, WA 98516 bject to continuance from time to time or place to place until
pleted.	pject to continuance from time to time or place to place until
pleted.	
	lay of September, 2011.
DATED this 30 th d	lay of September, 2011.
	MCNAUL EBEL NAWROT & HELGREN PLLC
	By: Robert M. Sulkin, WSBA No. 15425
	Avi J. Lipman, WSBA No. 37661 Attorneys for Plaintiffs
	Auomeys for Frantins
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NOTICE OF VIDEOTAPED DEPOSITION OF **JESSICA LAING** – Page 2

1	· .		Hon. Paula Casey
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8	SUPE	NOR COURT OF WASHING	FON FOR THURSTON COUNTY
9	KENT L. and L	INDA DAVIS; JEFFREY ININ; and SUSAN	No. 11-2-01925-7
10	MAYER, deriv	atively on behalf of DD COOPERATIVE,	NOTICE OF VIDEOTAPED
11		Plaintiffs,	DEPOSITION OF RON LAVIGNE
12		r lamans,	
13		DOCHELLE CAUSE	
14	ERIN GENIA;	ROCHELLE GAUSE; T.J. JOHNSON; JAYNE JACKIE KRZYZEK;	
15	JESSICA LAIN	IG; RON LAVIGNE; NE; ERIC MAPES; JOHN	
16	NASON; JOHN	NEGAN; ROB UZANNE SHAFER; JULIA	
17	SOKOLOFF; a WILHELM,	nd JOELLEN REINECK	
18	WILFILLWI,	Defendants.	
19			
20	TO:	GRACE COX; ROCHELLE G	AUSE; ERIN GENIA; T.J. JOHNSON; E KRZYZEK; JESSICA LAING; RON
21	11	LAVIGNE: HARRY LEVINE	ERIC MAPES; JOHN NASON; JOHN UZANNE SHAFER; JULIA SOKOLOFF;
22		and JOELLEN REINECK WII	HELM, Defendants;
23		Bruce E. H. Johnson, and Davi Defendants	s Wright Tremaine, LLLP, counsel for
24		Detenuanto	•
25	PLEAS	E TAKE NOTICE that Plaintif	fs Kent L. and Linda Davis; Jeffrey and
26	Susan Trinin; a	nd Susan Mayer will take the v	videotaped deposition of Ron Lavigne at the
			LAW OFFICES OF

NOTICE OF VIDEOTAPED DEPOSITION OF **RON LAVIGNE** – Page 1

1	following time	and place:	
2		DATE:	November 4, 2011
3		TIME:	9:30 am
4		PLACE:	Washington Farm Bureau
5			975 Carpenter Road Northeast Green Room
6			Lacey, WA 98516
7	The deposition	n will be sub	ject to continuance from time to time or place to place until
8	completed.		
9	DATE	D this 30 th d	ay of September, 2011.
10			McNAUL EBEL NAWROT & HELGREN PLLC
11			
12			By: Robert M. Sulkin, WSBA No. 15425
13			Avi J. Lipman, WSBA No. 37661 Attorneys for Plaintiffs
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			LAW OFFICES OF MCNAUL EBEL NAWROT & HELG

NOTICE OF VIDEOTAPED DEPOSITION OF RON LAVIGNE – Page 2

1			Hon. Paula Casey
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8	SUP	ERIOR COURT OF WASHING	TON FOR THURSTON COUNTY
9		LINDA DAVIS; JEFFREY	No. 11 2 01025 7
10	MAYER, der	TRININ; and SUSAN ivatively on behalf of	No. 11-2-01925-7
11	OLYMPIA F	OOD COOPERATIVE,	NOTICE OF VIDEOTAPED DEPOSITION OF HARRY LEVINE
12		Plaintiffs,	
13	v.		
14	GRACE CO ERIN GENIA	X; ROCHELLE GAUSE; A; T.J. JOHNSON; JAYNE	
15	JESSICA LA	I; JACKIE KRZYZEK; JNG; RON LAVIGNE;	
16	NASON; JOI	VINE; ERIC MAPES; JOHN HN REGAN; ROB	
17	SOKOLOFF	SUZANNE SHAFER; JULIA ; and JOELLEN REINECK	
18	WILHELM,		
19		Defendants.	
20	TO:		AUSE; ERIN GENIA; T.J. JOHNSON;
21			E KRZYZEK; JESSICA LAING; RON ERIC MAPES; JOHN NASON; JOHN
22		REGAN; ROB RICHARDS; SI and JOELLEN REINECK WIL	UZANNE SHAFER; JULIA SOKOLOFF; HELM, Defendants;
23	AND TO:		Wright Tremaine, LLLP, counsel for
24		Defendants	
25	PLEA	SE TAKE NOTICE that Plaintif	fs Kent L. and Linda Davis; Jeffrey and
26	Susan Trinin	; and Susan Mayer will take the v	ideotaped deposition of Harry Levine at
i	۱ <u>,</u>		LAW OFFICES OF

NOTICE OF VIDEOTAPED DEPOSITION OF HARRY LEVINE – Page 1

1	the following time and pl	ace:	
2	DATE:	October 31, 2011	
3	TIME:	9:30 am	
4	PLACE:	Washington Farm Bureau	
5		975 Carpenter Road Northeast Green Room Lacey, WA 98516	
6		Lacey, wA 98510	·
7	The deposition will be su	bject to continuance from time to the	me or place to place until
8	completed.		
9	DATED this 30 th	day of September, 2011.	
10		McNAUL EBEL NAW	ROT & HELGREN PLLC
11			
12		By: Robert M. Sulk	in, WSBA No. 15425
13		Avi J. Lipman, Attorneys for Plaintiffs	WSBA No. 37661
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20			LAW OFFICES OF
	NOTICE OF VIDEOTA HARRY LEVINE – Pa	APED DEPOSITION OF age 2	MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143

Seattle, Washington 98101-3143 (206) 467-1816

2822-001 ai295n0609 2011-09-29

1				Hon. Paula Casey
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7				· · ·
8	SUP	ERIOR COURT OF WASHING	ION FOR THURST	ON COUNTY
9		LINDA DAVIS; JEFFREY	No. 11-2-01925	7
10	MAYER, dei	TRININ; and SUSAN vivatively on behalf of	NOTICE OF V	
11	OLYMPIA F	OOD COOPERATIVE,		OF ERIC MAPES
12		Plaintiffs,		
13	V.			
14	ERIN GENIA	X; ROCHELLE GAUSE; A; T.J. JOHNSON; JAYNE		
15	JESSICA LA	I; JACKIE KRZYŻEK; ING; RON LAVIGNE;		
16	NASON; JO	VINE; ERIC MAPES; JOHN HN REGAN; ROB		
17	SOKOLOFF	SUZANNE SHAFER; JULIA and JOELLEN REINECK		
18	WILHELM,			
19		Defendants.	· ·	
20	TO:	GRACE COX; ROCHELLE G	AUSE; ERIN GENI	A; T.J. JOHNSON;
21		JAYNE KASZYNSKI; JACKI LAVIGNE; HARRY LEVINE;	ERIC MAPES; JOI	HN NASON; JOHN
22		REGAN; ROB RICHARDS; S and JOELLEN REINECK WIL	UZANNE SHAFER HELM, Defendants	; JULIA SOKOLOFF; ;
23	AND TO:	Bruce E. H. Johnson, and Davis	s Wright Tremaine,	LLLP, counsel for
24		Defendants		
25	PLEA	ASE TAKE NOTICE that Plaintif	fs Kent L. and Lind	a Davis; Jeffrey and
26	Susan Trinin	; and Susan Mayer will take the v	ideotaped depositio	n of Eric Mapes at the
		VIDEOTAPED DEPOSITION)F	law offices of McNaul Ebel Nawrot & Helgr

NOTICE OF VIDEOTAPED DEPOSITION OF ERIC MAPES – Page 1

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1	following time and p	lace:	·	· · ·	
2	DATI	E:	December 5, 2011		
3	TIME	3:	9:30 am .		
4	PLAC	CE:	Washington Farm Bureau		
5			975 Carpenter Road Northeast Green Room		
6			Lacey, WA 98516		
7 ·	The deposition will l	be subjec	ct to continuance from time to time or place to plac	e until	
8	completed.				
9	DATED this	30 th day	v of September, 2011.		
10			McNAUL EBEL NAWROT & HELGRE	N PLLC	
11					
12			By: Robert M. Sulkin, WSBA No. 154	25	
13			Avi J. Lipman, WSBA No. 37661 Attorneys for Plaintiffs		
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	NOTICE OF VIDE ERIC MAPES – Pa		D DEPOSITION OF MCNAUL EBEI 600 Um	AW OFFICES OF , NAWROT & HELGRE iversity Street, Suite 2700 Washington 98101-3143	EN PLLC

Seattle, Washington 98101-3143 (206) 467-1816

2822-001 ai295n06qx 2011-09-29

1	Hon. Paula Casey
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в	SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY
9 D	KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSANNo. 11-2-01925-7MAYER, derivatively on behalf of
1	OLYMPIA FOOD COOPERATIVE, NOTICE OF VIDEOTAPED DEPOSITION OF JOHN NASON
2	Plaintiffs,
	v.
	GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON LAVIGNE;
;	HARRY LEVINE; ERIC MAPES; JOHN NASON: JOHN REGAN; ROB
,	RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM,
3	Defendants.
)	
ו	TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON
1	LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;
2	and JOELLEN REINECK WILHELM, Defendants;
3	AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for Defendants
4	
5	PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and
5	Susan Trinin; and Susan Mayer will take the videotaped deposition of John Nason at the

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NOTICE OF VIDEOTAPED DEPOSITION OF **JOHN NASON** – Page 1

1	following time and place:		· · · · ·
2	DATE:	November 1, 2011	
3	TIME:	9:30 am	
4	PLACE:	Washington Farm Bureau	
5		975 Carpenter Road Northeast Green Room	
6		Lacey, WA 98516	
7	The deposition will be sub	ject to continuance from time to tim	e or place to place until
8	completed.		
9	DATED this 30 th d	ay of September, 2011.	
10		McNAUL EBEL NAWF	ROT & HELGREN PLLC
11			
12		By: Robert M. Sulkin	, WSBA No. 15425
13		Avi J. Lipman, W Attorneys for Plaintiffs	ÍSBA No. 37661
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	NOTICE OF VIDEOTAP JOHN NASON – Page 2	PED DEPOSITION OF	LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816

1			Hon. Paula Casey
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8	SUP	ERIOR COURT OF WASHING	TON FOR THURSTON COUNTY
9		LINDA DAVIS; JEFFREY FRININ; and SUSAN	No. 11-2-01925-7
10	MAYER, der	ivatively on behalf of	NOTICE OF VIDEOTAPED
11	OLYMPIA F	OOD COOPERATIVE,	DEPOSITION OF JOHN REGAN
12		Plaintiffs,	
13	V.		
14	ERIN GENIA	K; ROCHELLE GAUSE; A; T.J. JOHNSON; JAYNE	
15	JESSICA LA	I; JACKIE KRZYZEK; ING; RON LAVIGNE;	
16	NASON; JOI	/INE; ERIC MAPES; JOHN IN REGAN; ROB	
17	SOKOLOFF WILHELM,	SUZANNE SHAFER; JULIA and JOELLEN REINECK	
18		Defendants.	
19			
20	TO:		AUSE; ERIN GENIA; T.J. JOHNSON; E KRZYZEK; JESSICA LAING; RON
21		LAVIGNE; HARRY LEVINE;	ERIC MAPES; JOHN NASON; JOHN UZANNE SHAFER; JULIA SOKOLOFF;
22		and JOELLEN REINECK WIL	
23	AND TO:	Bruce E. H. Johnson, and Davis Defendants	s Wright Tremaine, LLLP, counsel for
24		Deleting	
25	PLEA	SE TAKE NOTICE that Plaintif	fs Kent L. and Linda Davis; Jeffrey and
26	Susan Trinin	; and Susan Mayer will take the v	ideotaped deposition of John Regan at the
			LAW OFFICES OF MCNAUL FREL NAWROT & HELCREN

NOTICE OF VIDEOTAPED DEPOSITION OF **JOHN REGAN** – Page 1

1	following time and place:	
2	DATE:	November 30, 2011
3	TIME:	1:30 pm
4	PLACE:	Washington Farm Bureau
5		975 Carpenter Road Northeast Green Room Lacey, WA 98516
6		Lacty, WA 90010
7	The deposition will be subje	ect to continuance from time to time or place to place until
8	completed.	
9	DATED this 30 th da	y of September, 2011.
10		MCNAUL EBEL NAWROT & HELGREN PLLC
11		
12		By: Robert M. Sulkin, WSBA No. 15425
13		Avi J. Lipman, WSBA No. 37661 Attorneys for Plaintiffs
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	NOTICE OF VIDEOTAPI JOHN REGAN – Page 2	ED DEPOSITION OF LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN 600 University Street, Suite 2700 Searche Weschington 98101-3143

PLLC

(206) 467-1816

1			Hon. Paula Casey
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7			
8	SUP	ERIOR COURT OF WASHING	FON FOR THURSTON COUNTY
9	and SUSAN	LINDA DAVIS; JEFFREY TRININ; and SUSAN	No. 11-2-01925-7
10	MAYER, der OLYMPIA F	ivatively on behalf of OOD COOPERATIVE,	NOTICE OF VIDEOTAPED
11		Plaintiffs,	DEPOSITION OF ROB RICHARDS
12	v.	,	
13		K; ROCHELLE GAUSE;	
14	ERIN GENIA	A; T.J. JOHNSON; JAYNE I; JACKIE KRZYZEK;	
15	JESSICA LA	ING; RON LAVIGNE;	
16	NASON; JOI	/INE; ERIC MAPES; JOHN HN REGAN; ROB	
17	SOKOLOFF WILHELM,	SUZANNE SHAFER; JULIA and JOELLEN REINECK	
18		Defendants.	
19			
20	TO:	GRACE COX; ROCHELLE G	AUSE; ERIN GENIA; T.J. JOHNSON; E KRZYZEK; JESSICA LAING; RON
21	•	LAVIGNE; HARRY LEVINE;	ERIC MAPES; JOHN NASON; JOHN UZANNE SHAFER; JULIA SOKOLOFF;
22		and JOELLEN REINECK WIL	
23	AND TO:		s Wright Tremaine, LLLP, counsel for
24		Defendants	
25	PLEA	SE TAKE NOTICE that Plaintif	fs Kent L. and Linda Davis; Jeffrey and
26	Susan Trinin	; and Susan Mayer will take the v	ideotaped deposition of Rob Richards at
			LAW OFFICES OF MCNAUL EBEL NAWROT & HELGRED

NOTICE OF VIDEOTAPED DEPOSITION OF **ROB RICHARDS** – Page 1

1	the following time and pla	ace:	
2	DATE:	December 1, 2011	
3	TIME:	9:30 am	
4	PLACE:	Washington Farm Bureau 975 Carpenter Road Northeast	
5		Green Room Lacey, WA 98516	
6			
7	The deposition will be subject to continuance from time to time or place to place until		
8	completed.		
9	DATED this 30 th	day of September, 2011.	
10		McNAUL EBEL NAV	WROT & HELGREN PLLC
11		the second se	
12		By:Robert M. Sul	kin, WSBA No. 15425 , WSBA No. 37661
13		Avi J. Lipman Attorneys for Plaintif	, WSBA No. 37661
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	NOTICE OF VIDEOTA ROB RICHARDS – Pa	APED DEPOSITION OF age 2	LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143

.

1	Hon. Paula Casey
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8	SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY
9	KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSAN No. 11-2-01925-7
10	MAYER, derivatively on behalf of
11	OLYMPÍA FOOD COOPERATIVE, NOTICE OF VIDEOTAPED DEPOSITION OF SUZANNE
12	Plaintiffs, SHAFER
13	V.
14	GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON; JAYNE
15	KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON LAVIGNE;
16	HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN REGAN; ROB
17	RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK
18	WILHELM,
19	Defendants.
20	TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;
21	JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON LAVIGNE: HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN
22	REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF; and JOELLEN REINECK WILHELM, Defendants;
23	AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for
24	Defendants
25	PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and
26	Susan Trinin; and Susan Mayer will take the videotaped deposition of Suzanne Shafer at
	LAW OFFICES OF

NOTICE OF VIDEOTAPED DEPOSITION OF **SUZANNE SHAFER** – Page 1

1	the following time and p	lace:		
2	DATE:	November 3, 2011		
3	TIME:	9:30 am		
4	PLACE:	Washington Farm Bureau 975 Carpenter Road Northeas	st	
5		Green Room Lacey, WA 98516		
6		•		
7	The deposition will be su	The deposition will be subject to continuance from time to time or place to place until		
8	completed.			
9	DATED this 30 th	day of September, 2011.		
10		McNAUL EBEL NA	WROT & HELGREN PLLC	
11				
12		By: Robert M. Sul	Ikin, WSBA No. 15425 n, WSBA No. 37661	
13		Avi J. Lipmar Attorneys for Plaintif	n, WSBA No. 37661 fs	
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	NOTICE OF VIDEOT. SUZANNE SHAFER	APED DEPOSITION OF – Page 2	LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street. Suite 2700 Seattle, Washington 98101-3143	

Seattle, Washington 98101-3143 (206) 467-1816

1				Hon. Paula Casey
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8	SUPI	ERIOR COURT OF WASHING	TON FOR THURST	ON COUNTY
9	and SUSAN 7	LINDA DAVIS; JEFFREY TRININ; and SUSAN	No. 11-2-01925	-7
10	OLYMPIA F	ivatively on behalf of OOD COOPERATIVE,	NOTICE OF VI DEPOSITION (
.11		Plaintiffs,	SOKOLOFF	JI JULIA
12	v.			
13	GRACE COX	K; ROCHELLE GAUSE;		
14	ERIN GENIA	A; T.J. JOHNSON; JAYNE I; JACKIE KRZYZEK;		
15	JESSICA LA	ING; RON LAVIGNE; /INE; ERIC MAPES; JOHN		
16	NASON: JOI	IN REGAN: ROB		
17	SOKOLOFF; WILHELM,	SUZANNE SHAFER; JULIA and JOELLEN REINECK		
18		Defendants.		
19.		<u></u>]	
20	TO:	GRACE COX; ROCHELLE G JAYNE KASZYNSKI; JACKI	AUSE; ERIN GENI f krzyzek: jess	A; T.J. JOHNSON; ICA LAING: RON
21		LAVIGNE; HARRY LEVINE REGAN; ROB RICHARDS; S	· ERIC MAPES: JOI	IN NASON: JOHN
22		and JOELLEN REINECK WII	LHELM, Defendants	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
23	AND TO:	Bruce E. H. Johnson, and Davi	s Wright Tremaine,	LLLP, counsel for
24		Defendants		
25	PLEA	ASE TAKE NOTICE that Plaintin	ffs Kent L. and Linda	a Davis; Jeffrey and
26	Susan Trinin	; and Susan Mayer will take the	videotaped deposition	n of Julia Sokoloff at
	N .			LAW OFFICES OF
	NOTICE OF	VIDEOTAPED DEPOSITION	OF	MCNAUL EBEL NAWROT & HELGREN 600 University Street, Suite 2700

JULIA SOKOLOFF – Page 1

1	the following time and place		
2	DATE:	December 2, 2011	
3	TIME:	9:30 am	
4	PLACE:	Washington Farm Bureau	
5		975 Carpenter Road Northeast Green Room	
6		Lacey, WA 98516	
7	The deposition will be subje	ect to continuance from time to tim	e or place to place until
8	completed.		
9	DATED this 30 th da	y of September, 2011.	
10		MCNAUL EBEL NAW	ROT & HELGREN PLLC
11			
12		By: Robert M. Sulkin	n, WSBA No. 15425
13		Avi J. Lipman, V Attorneys for Plaintiffs	ÝSBA No. 37661
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	NOTICE OF VIDEOTAP JULIA SOKOLOFF – Pa	ED DEPOSITION OF age 2	LAW OFFICES OF MCNAUL EBEL NAWROT & HELGREN PLLC 600 University Street, Suite 2700 Seattle, Washington 98101-3143 (206) 467-1816

1			Hon. Paula Casey
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8	SUP	ERIOR COURT OF WASHING	FON FOR THURSTON COUNTY
9	KENT L. and	LINDA DAVIS; JEFFREY	
10	and SUSAN 1	[RININ; and SUSAN ivatively on behalf of	No. 11-2-01925-7
11		OOD COOPERATIVE,	NOTICE OF VIDEOTAPED DEPOSITION OF JOELLEN
12		Plaintiffs,	REINECK WILHELM
13	v.		
14	GRACE COX	K; ROCHELLE GAUSE; A; T.J. JOHNSON; JAYNE	
15	KASZYNSK	I; JACKIE KRZYZEK; ING; RON LAVIGNE;	
16	HARRY LEV	/INE; ERIC MAPES; JOHN IN REGAN; ROB	
17	RICHARDS:	SUZANNE SHAFER; JULIA and JOELLEN REINECK	
18	WILHELM,		
		Defendants.	
19			
20	TO:	IAYNE KASZYNSKI: JACKI	AUSE; ERIN GENIA; T.J. JOHNSON; E KRZYZEK; JESSICA LAING; RON
21		REGAN: ROB RICHARDS; S	; ERIC MAPES; JOHN NASON; JOHN UZANNE SHAFER; JULIA SOKOLOFF;
22		and JOELLEN REINECK WII	LHELM, Defendants;
23	AND TO:	Bruce E. H. Johnson, and Davi Defendants	s Wright Tremaine, LLLP, counsel for
24			
25			fs Kent L. and Linda Davis; Jeffrey and
26	Susan Trinin	; and Susan Mayer will take the v	videotaped deposition of Joellen Reineck
	1,1		LAW OFFICES OF

NOTICE OF VIDEOTAPED DEPOSITION OF **JOELLEN REINECK WILHELM** – Page 1

1	Wilhelm at the following t	ime and place:
2	DATE:	November 3, 2011
3	TIME:	1:30 pm
4	PLACE:	Washington Farm Bureau 975 Carpenter Road Northeast
5 6		Green Room Lacey, WA 98516
7	The deposition will be sub	ject to continuance from time to time or place to place until
8	completed.	
9	DATED this 30 th d	ay of September, 2011.
10		McNAUL EBEL NAWROT & HELGREN PLLC
11		MCNAUL EBEL NAWKUT & HELOKEN FLIC
12		By:
13	К	Avi J. Lipman, WSBA No. 37661
14		Attorneys for Plaintiffs
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	NOTICE OF VIDEOTA	LAW OFFICES OF PED DEPOSITION OF MCNAUL EBEL NAWROT & HELGI 600 University Street Suite 2700

JOELLEN REINECK WILHELM – Page 2

EXHIBIT D

Smith, Devin

From:	Robert Sulkin <rsulkin@mcnaul.com></rsulkin@mcnaul.com>
Sent:	Tuesday, October 04, 2011 10:53 PM
То:	Johnson, Bruce
Cc:	Avi Lipman; Robin Lindsey
Subject:	Re: Our conversation yesterday in Davis v. Cox

We are on the same page.

Sent from my iPad

On Oct 4, 2011, at 1:41 PM, "Johnson, Bruce" < <u>brucejohnson@dwt.com</u>> wrote:

Bob, we spoke yesterday and agreed upon the following:

- 1. I will check with the defendants and determine, among those who have not yet been served, which ones will agree to have me accept service, and let you and/or Ari know promptly;
- 2. The defendants will have until Oct. 31 to file their motion to dismiss/Anti-SLAPP motion to strike;
- 3. We will work cooperatively to set the briefing schedule, and any oral argument, on the motion identified in #2; and

1

4. Discovery will be stayed until resolution of that motion.

Bruce E. H. Johnson | Davis Wright Tremaine LLP 1201 Third Avenue, Suite 2200 | Seattle, WA 98101 Tel: (206) 757-8069 | Fax: (206) 757-7069 | Mobile: (206) 465-4309 Email: <u>brucejohnson@dwt.com</u> | Website: <u>www.dwt.com</u>

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