1 2	☐ EXPEDITE ☐ No hearing is set √ Hearing is set Date: January 13, 2011	
3 4	Time: 11 a.m. Judge/Calendar: Hon. Paula Casey/ Hon. Christopher Wickham	
5	Hon. Christopher wickham	
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9	SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY	
10	KENT L. and LINDA DAVIS; JEFFREY and SUSAN TRININ; and SUSAN	No. 11-2-01925-7
11.	MAYER, derivatively on behalf of OLYMPIA FOOD COOPERATIVE,	DECLARATION OF KENT DAVIS
12	Plaintiffs,	OPPOSING DEFENDANTS' SPECIAL MOTION
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	I, Kent Davis, declare under penalty of perjury of the laws of the State of Washington	
21	that the following statements are true and correct and based on personal knowledge:	
22	1. I am over the age of 18, have knowledge of the facts set forth below, and am	
23	competent to testify thereto. I am one of the Plaintiffs in the above-captioned litigation.	
24	2. My wife, Linda Davis, and I have lived at the same address in Olympia, Washington	
25 26	since December 2004. Linda and I have been n	narried since July 1978. We both joined the

Olympia Food Cooperative (the "Co-op") as members in 2004, and have remained members of the Co-op since that time.

- 3. In August 2010, I learned that my Co-op membership had been mistakenly cancelled as the result of either computer or Staff error at the Co-op. Apparently, the error that led to the temporary suspension of my Co-op membership resulted from the misimpression that I did not have a current address on file with the Co-op. My address, however, has not changed since I joined the Co-op as a member in 2004. As soon as I learned of the Co-op's mistake, I arranged for my Co-op membership to be reinstated.
- 4. I am familiar with the enactment in July 2010 by the Co-op's Board of Directors of a resolution to boycott and divest from Israel, which I believe was improper and unlawful.
- 5. Although it was given no advance notice of the Board's plans to vote on the proposal to boycott and divest from Israel, the Co-op community quickly caught wind of the Board's improper action. Prompt requests were made by certain Co-op members to rescind the resolution/policies, and the Board faced widespread criticism for its action.
- 6. It soon became clear to me, however, that the Board had no intention of rescinding the Israel Boycott and Divestment resolution/policies. In an effort to avoid litigation and resolve our differences with the Defendants informally, I and the other Plaintiffs sent a letter, dated May 31, 2011, to each of the Defendants setting forth our position. A true and correct copy of that letter is attached to the Declaration of Avi J. Lipman as Exhibit AA.
- 7. I am familiar with this litigation and have been and remain willing to learn more about it. Indeed, I and the other Plaintiffs have been closely involved at every stage of our ongoing dispute with the Defendants.
- 8. I and the other Plaintiffs have not surrendered our control of the litigation to our attorneys.
 - 9. I maintain a personal commitment to the action on the part of the Co-op.

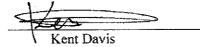
- 10. Through this lawsuit, I and the other Plaintiffs seek a remedy on behalf of the Coop, not ourselves personally.
- 11. I maintain an interest in this action that outweighs any personal interest I might have in the outcome. In fact, I have no personal interest in the outcome of this litigation insofar as I stand to gain nothing financially if we prevail.
- 12. At some point after the summer of 2010, I and the other Plaintiffs sought out the assistance of a pro-Israel charitable organization (StandWithUs) in an effort to contest the Board's unlawful actions. Unlike the Board members, we did not have an organization like Boycott, Divestment and Sanctions ("BDS")—an international alliance of anti-Israel political organizations—to help us. Our communication with StandWithUs resulted from frustration and exhaustion at being ignored, derided, and ultimately brushed aside by the Defendants. I and the other Plaintiffs, however, are not "pawns" of StandWithUs or any other organization. Although I am not a lawyer, I believe we are the "real parties in interest" on behalf of the Co-op.
- 13. After the Board's improper and unlawful enactment of the Israel Boycott and Divestment resolution/policies, a number of Co-op members either cancelled their memberships or otherwise stopped shopping at the Co-op in protest. For example, my wife and I previously shopped at the Co-op one or two times per week, but have not done so since the summer of 2010.
- 14. "Voter turnout" for the Co-op's Board elections in November 2010 was greater for the five candidates endorsed by BDS because BDS activists at the Evergreen State College campus had recruited and then carpooled students to the Co-op to become members for the express purpose of endorsing the Israel Boycott and Divestment resolution/policies.
- 15. I and the other Plaintiffs have received significant support from other Co-op members since we filed suit against the Defendants, and I believe we "fairly and

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adequately" represent those members who oppose the Board's improper and unlawful enactment of the Israel Boycott and Divestment resolution/policies. Indeed, I received many votes from such people when I ran for an open position on the Board in November 2010.

16. My wife and I are not personally "personally adverse" to the Defendants, as Defendants claim in their opening brief. Nor are we pursuing this lawsuit out of "vindictiveness" toward them. We object to the Board's improper and unlawful enactment of the Israel Boycott and Divestment resolution/policies, and have expressed as much publicly. But we take no issue with the Defendants personally.

Dated this 30th day of November, 2011.



DECLARATION OF KENT DAVIS - Page 4

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26