

1 EXPEDITE
2 No hearing is set
3 Hearing is set
4 Date: January 13, 2011
5 Time: 11 a.m.
6 Judge/Calendar: Hon. Paula Casey/
7 Hon. Christopher Wickham
8

9 SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

14 Plaintiffs,

15 v.

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

25 Defendants.

No. 11-2-01925-7

DECLARATION OF JEFFREY
TRININ OPPOSING DEFENDANTS'
SPECIAL MOTION

26 I, Jeffrey Trinin, declare under penalty of perjury of the laws of the State of
Washington that the following statements are true and correct and based on personal
knowledge:

1. I am over the age of 18, have knowledge of the facts set forth below, and am
competent to testify thereto. I am one of the Plaintiffs in the above-captioned litigation.

2. My wife, Susan Trinin, and I have lived in Olympia, Washington since 1981. I
joined the Olympia Food Cooperative (the "Co-op") as a member in 1984, and have
remained a member of the Co-op since that time.

1 3. I am familiar with the enactment in May 1993 of the Co-op's Boycott Policy.
2 Underlying the adoption of the Boycott Policy were several intentions, among them that (1)
3 the Co-op would be a follower with regard to boycotts that were already recognized—not a
4 leader; (2) the prior recognition of such boycotts would be national in scope; and (3)
5 authority to recognize boycotts would reside with the Co-op Staff—not the Board of
6 Directors of the Co-op.

7 4. I am familiar with the enactment in July 2010 by the Board of a resolution to boycott
8 and divest from Israel, which I believe was improper and unlawful.

9 5. Although it was given no advance notice of the Board's plans to vote on the
10 proposal to boycott and divest from Israel, the Co-op community quickly caught wind of
11 the Board's improper action. Prompt requests were made by certain Co-op members to
12 rescind the resolution/policies, and the Board faced widespread criticism for its action.

13 6. At a meeting on or around August 12, 2010, two petitions were submitted to the
14 Board of the Co-op requesting that the Israel Boycott and Divestment resolution/policies
15 be rescinded. Together, the petitions contained the signatures of approximately 350
16 members of the Co-op, including mine. So far as I am aware, no action was ever taken by
17 the Board in response to those petitions. In fact, it soon became clear to me that the Board
18 had no intention of rescinding the resolution/policies. In an effort to avoid litigation and
19 resolve our differences with the Defendants informally, I and the other Plaintiffs sent a
20 letter, dated May 31, 2011, to each of the Defendants setting forth our position. A true and
21 correct copy of that letter is attached to the Declaration of Avi J. Lipman as Exhibit AA.

22 7. I am familiar with this litigation and have been and remain willing to learn more
23 about it. Indeed, I and the other Plaintiffs have been closely involved at every stage of our
24 ongoing dispute with the Defendants.

25 8. I and the other Plaintiffs have not surrendered our control of the litigation to our
26 attorneys.

1 9. I maintain a personal commitment to the action on the part of the Co-op.

2 10. Through this lawsuit, I and the other Plaintiffs seek a remedy on behalf of the Co-
3 op, not ourselves personally.

4 11. I maintain an interest in this action that outweighs any personal interest I might
5 have in the outcome. In fact, I have no personal interest in the outcome of this litigation
6 insofar as I stand to gain nothing financially if we prevail.

7 12. At some point after the summer of 2010, I and the other Plaintiffs sought out the
8 assistance of a pro-Israel charitable organization (StandWithUs) in an effort to contest the
9 Board's unlawful actions. Unlike the Board members, we did not have an organization
10 like Boycott, Divestment and Sanctions ("BDS")—an international alliance of anti-Israel
11 political organizations—to help us. Our communication with StandWithUs resulted from
12 frustration and exhaustion at being ignored, derided, and ultimately brushed aside by the
13 Defendants. I and the other Plaintiffs, however, are not "pawns" of StandWithUs or any
14 other organization. Although I am not a lawyer, I believe we are the "real parties in
15 interest" on behalf of the Co-op.

16 13. After the Board's improper and unlawful enactment of the Israel Boycott and
17 Divestment resolution/policies, a number of Co-op members either cancelled their
18 memberships or otherwise stopped shopping at the Co-op in protest.

19 14. "Voter turnout" for the Co-op's Board elections in November 2010 was greater for
20 the five candidates endorsed by BDS because BDS activists at the Evergreen State
21 College campus had recruited and then carpoled students to the Co-op to become
22 members for the express purpose of endorsing the Israel Boycott and Divestment
23 resolution/policies.

24 15. I and the other Plaintiffs have received significant support from other Co-op
25 members since we filed suit against the Defendants, and I believe we "fairly and
26

1 members for the express purpose of endorsing the Israel Boycott and Divestment
2 resolution/policies.

3 15. I and the other Plaintiffs have received significant support from other Co-op
4 members since we filed suit against the Defendants, and I believe we "fairly and
5 adequately" represent those members who oppose the Board's improper and unlawful
6 enactment of the Israel Boycott and Divestment resolution/policies.

7
8 Dated this 30th day of November, 2011.

9
10 
11 Jeffrey Trinin