

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 LINDA DAVIS
OPPOSING DEFENDANTS'
SPECIAL MOTION

26 I, Linda Davis, 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 husband, Kent Davis, and I have lived at the same address in Olympia, Washington since December 2004. Kent and I have been married since July 1978. We both

1 joined the Olympia Food Cooperative (the "Co-op") as members in late 2004 or early 2005,
2 and have remained members of the Co-op since that time.

3 3. In August 2010, Kent and I learned that Kent's Co-op membership had been
4 mistakenly cancelled as the result of either computer or Staff error at the Co-op. Apparently,
5 the error that led to the temporary suspension of Kent's Co-op membership resulted from
6 the misimpression that he did not have a current address on file with the Co-op. His address,
7 however, has not changed since we joined the Co-op as members. As soon as Kent and I
8 learned of the Co-op's mistake, we arranged for his Co-op membership to be reinstated.

9 4. I am familiar with the enactment in July 2010 by the Co-op's Board of Directors of
10 a resolution to boycott and divest from Israel, which I believe was improper and unlawful.

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

15 6. It soon became clear to me, however, that the Board had no intention of rescinding
16 the Israel Boycott and Divestment resolution/policies. In an effort to avoid litigation and
17 resolve our differences with the Defendants informally, I and the other Plaintiffs sent a
18 letter, dated May 31, 2011, to each of the Defendants setting forth our position. A true and
19 correct copy of that letter is attached to the Declaration of Avi J. Lipman as Exhibit AA.

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

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

25 9. I maintain a personal commitment to the action on the part of the Co-op.
26

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

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

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

15 13. After the Board's improper and unlawful enactment of the Israel Boycott and
16 Divestment resolution/policies, a number of Co-op members either cancelled their
17 memberships or otherwise stopped shopping at the Co-op in protest. For example, my
18 husband and I previously shopped at the Co-op one or two times per week, but have not
19 done so since the summer of 2010.

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

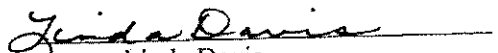
25 15. I and the other Plaintiffs have received significant support from other Co-op
26 members since we filed suit against the Defendants, and I believe we "fairly and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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 husband 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.


Linda Davis