

K.C. Cause No. 86-2-18176-8

Date : 12-22-88

Page 3 of 3

Caption: Butler v. Barnett

Reporter: \_\_\_\_\_

Dept. 25

Minute Entry

Respective Counsel and the Court discuss scheduling Conference regarding separate trials and Consolidated Trial.

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X

RECEIVED  
DEC. 19. 1988

CIVIL TRACK I  
THE HONORABLE JOHN BILLY

**FILED**  
KING COUNTY, WASHINGTON

DEC 22 1988

SUPERIOR COURT CLERK  
MELISSA R. KEATING  
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

AMERICAN CASUALTY COMPANY OF )  
READING PENNSYLVANIA, a )  
Pennsylvania corporation, )

Plaintiff, )

v. )

KATHY LEE BUTLER, et al., )

Defendants. )

KATHY LEE BUTLER, et vir., )  
et al., )

Plaintiffs, )

v. )

DONALD LEE BARNETT, et ux., )  
et al., )

Defendants. )

SANDY EHRLICH, et al., )

Plaintiffs, )

v. )

RALPH ALSKOG, et al. )

Defendants. )

MAUREEN PANGBORNE JORGENSEN, )

Plaintiff, )

v. )

COMMUNITY CHAPEL AND BIBLE )  
TRAINING CENTER, et al., )

Defendants. )

MEMORANDUM IN OPPOSITION - 1

No. 88-2-04615-8

CONSOLIDATED TRACK ONE  
CAUSE NO. 86-2-18176-8

*(ERHLICH et al.)*  
MEMORANDUM IN OPPOSITION TO  
PLAINTIFF AMERICAN CASUALTY'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT

No. 86-2-18176-8 ✓

No. 86-2-18429-5

No. 86-2-26360-8

*209*  
*col*

**CIVIL TRACK I**

LAW OFFICES OF  
ADLER GIERSCH, P.S.  
SUITE 600  
401 SECOND AVE. S.  
SEATTLE, WA 98104  
(206) 682-0300

1 Defendants Ehrlich, et al., by and through their counsel, Ann  
2 J. Durham, hereby respectfully request the Court to deny Plaintiff  
3 American Casualty Company of Redding, Pennsylvania's (hereinafter  
4 American Casualty) motion for partial summary judgment, seeking  
5 an order declaring that damages for emotional distress are not  
6 covered under American Casualty's general liability policy. For  
7 purposes of this motion, Defendants Ehrlich join in the  
8 memorandums submitted to the Court on this issue by other counsel,  
9 as well as the briefs, affidavits, and arguments of the parties  
10 in the companion case of American Casualty v. Gabrielson, et ux.,  
11 et al., Pierce County Cause No. 88-2-00947-9. Specifically,  
12 Defendants Ehrlich, et al., believe the Court should deny this  
13 motion for the reasons briefly outlined below.

14 I. "BODILY INJURY" INVOLVES A GENUINE ISSUE OF FACT

15 At this time, the only documents before the Court on the issue  
16 of whether bodily injury as defined in American Casualty's policy  
17 encompasses the injuries claimed in the consolidated complaints  
18 in the underlying tort actions are: the pleadings themselves; the  
19 American Casualty policy, memoranda in support of and in  
20 opposition to the motion for partial summary judgment, and  
21 supporting affidavits of various parties. As the Court can tell  
22 from the arguments outlined in the various documents before it,  
23 different conclusions may be drawn as to what "bodily injury" is.  
24 Thus, American Casualty has failed to sustain its burden to prove  
25 there is an absence of genuine factual issue.

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28 MEMORANDUM IN OPPOSITION - 2

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SEATTLE, WA 98104  
(206) 682-0300

1 The Washington State Supreme Court has specifically outlined  
2 the purpose of summary judgment and the burden of proof on the  
3 party seeking summary judgment in Preston v. Duncan, 55 Wn.2d 678  
4 (1960). Specifically, in this case, the Court held

5 ONE WHO MOVES FOR SUMMARY JUDGMENT HAS THE BURDEN OF  
6 PROVING THAT THERE IS NO GENUINE ISSUE OF FACTS,  
7 IRRESPECTIVE OF WHETHER HE OR HIS OPPONENT WOULD, AT THE  
8 TRIAL, HAVE THE BURDEN OF PROOF ON THE ISSUE CONCERNED  
(citations omitted, capitals original).

8 Id., at 682.

9 American Casualty has not sustained its burden of showing, by  
10 affidavit or any other evidence, that the plaintiffs in the  
11 underlying tort action have no evidence to produce at a trial to  
12 prove the allegations in their complaints. In fact, at least one  
13 set of plaintiffs has offered an affidavit by Dr. Phillip Lindsay  
14 which includes evidence to support its claim that the injuries  
15 sustained by those plaintiffs does, in fact, come within the  
16 definition of "bodily injury". Thus, American Casualty has failed  
17 to sustain its burden and the Court has no alternative but to deny  
18 its motion for partial summary judgment.

19 II. THE INJURIES IN THE EHRlich, ET AL., COMPLAINT  
20 ARE WITHIN THE DEFINITION OF "BODILY INJURY"

21 Plaintiffs Ehrlich, et al., in the underlying tort action  
22 against Defendant Community Chapel and Bible Training Center  
23 (hereinafter CCBTC) and its pastor, ministers, counselors, and  
24 agents, and other named defendants, involves causes of action  
25 arising out of a long-term period of mind control, coercion, and  
26 manipulation to encourage the formation of intimate attachments  
27

28 MEMORANDUM IN OPPOSITION - 3

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SEATTLE, WA 98104  
(206) 682-0300

1 known as "spiritual connections". The injuries sustained by the  
2 plaintiffs in the Ehrlich, et al., complaint include defamation,  
3 outrage, sexual assault, seduction of a child, family disharmony,  
4 loss of consortium, loss of child consortium, destruction of the  
5 parent/child relationship, and destruction of marital  
6 relationships. In addition, each and every plaintiff sustained  
7 long-term psychological, emotional, and physical injuries which  
8 necessitate medical treatment. Obviously, with these types of  
9 claims, the physical harm and mental distress alleged are  
10 indivisible. Accordingly, each and every plaintiff has suffered  
11 "bodily injury" within any definition of that term.

12 American Casualty's proposed authority in support of their  
13 motion for partial summary judgment is the case of E-Z Loader v.  
14 Traveler's Indemnity Co., 106 Wn.2d 901; 726 P.2d 439 (1986).  
15 Comparing that case to the injuries in Ehrlich's, et al.,  
16 complaint is like comparing apples and oranges. In fact, in the  
17 Gabrielson case, Judge Arnold specifically held that E-Z Loader  
18 does not apply to the facts of our cases. The E-Z Loader case  
19 involved a discrimination action, whereas Ehrlich's, et al.,  
20 complaint alleges physical torts which directly resulted in  
21 emotional and psychological injuries.

22 The only case which specifically deals with the issue at hand  
23 is NPS Corp. v. Insurance Co. of North America, 517 A.2d 1211  
24 (N.J. App. 1986). In this case, the New Jersey Supreme Court  
25 specifically considered whether a plaintiff's emotional distress  
26 resulting from including the offensive touching of her "rear end"

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28 MEMORANDUM IN OPPOSITION - 4

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1 and "breasts" by her plant manager constituted "bodily injury".  
2 The Court concluded that the plaintiff's injuries came within the  
3 policy definition of "bodily injury" (which mirrors that of our  
4 case). Id., at 1212. The Court held that, "'bodily injury' as  
5 used in the policy includes the emotional and psychological  
6 sequelae allegedly resulting from the unauthorized invasion of the  
7 complainants person." Id. The Court rejected defendant's argument  
8 that "bodily injury" requires some physical harm caused by  
9 external violence. Id., at 1214. Specifically, the Court held:

10 Within the framework, we disagree with INA's argument that  
11 bodily injury necessarily entails some physical or  
12 corporal harm caused by the application of external  
13 violence. We are unable to separate a person's nerves and  
14 tensions from his body. Clearly, emotional trauma can be  
as disabling to the body as a visible physical wound.  
Moreover, it is common knowledge that emotional distress  
can and often does have a direct effect on other bodily  
functions.

15 We attach significance to the fact that the policy does  
16 not limit bodily injury to physical harm. . .that  
17 consideration has particular efficacy here where the  
policy contains exclusionary language which does not  
specifically limit bodily injury to physical harm.

18 Id., at 1214. See also Levy v. Duclaux, 324 So.2d 1 (La. App.  
19 1986)(bodily injury included plaintiff's mental anguish and  
suffering resulting from accusations of shoplifting); Holcumb v.  
20 Kincaid, 406 So.2d 641 (La. App. 1981).

21 As in NPS Corp., supra, defendants Ehrlich, et al., are  
22 alleging tortious conduct which caused emotional distress and  
23 long-term psychological injuries. Following the reasoning in NPS  
24 Corp., supra, therefore, the bodily injuries suffered by  
25 Defendants Ehrlich, et al., including physical harm and mental  
26 distress are indivisible.

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28 MEMORANDUM IN OPPOSITION - 5

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(206) 682-0300

1 In addition, the Court will note that American Casualty's  
2 policy does not specifically limit its definition of "bodily  
3 injury" to physical harm. Nor does it specifically exclude  
4 injuries resulting from physical harm. Consequently, one must  
5 interpret American Casualty's policy in much broader terms than  
6 American Casualty has done in presenting its motion before this  
7 Court.

8 III. THE DOCTRINE OF COLLATERAL ESTOPPEL REQUIRES  
9 A DENIAL OF AMERICAN CASUALTY'S MOTION

10 As the other memoranda and affidavits discuss at length,  
11 American Casualty argued this same motion for partial summary  
12 judgment in the Gabrielson case in Pierce County, Cause No. 88-2-  
13 00947-9, in April, 1988. At that time, The Honorable J. Kelley  
14 Arnold denied American Casualty's motion. Thus, American Casualty  
15 has already had a full and fair opportunity to present their case  
16 to the Court, and the doctrine of collateral estoppel now prevents  
17 the re-litigation of this issue.

18 IV. CONCLUSION

19 American Casualty's motion for partial summary judgment should  
20 be denied. It is obvious that the issue of whether or not their  
21 policy's definition of "bodily injury" encompasses the injuries  
22 claimed by Ehrlich's, et al., complaint is an issue of material  
23 fact to be decided by a jury, following the presentation of  
24 evidence on these points. In addition, it is equally obvious that  
25 the term "bodily injury", as defined American Casualty's policy,  
26 includes the injuries sustained by Ehrlich, et al. Furthermore,  
27

1 American Casualty's motion for partial summary judgment on this  
2 issue has already been denied by Pierce County Superior Court  
3 Judge Arnold and, hence, the doctrine of collateral estoppel  
4 precludes American Casualty from bringing this motion again in  
5 these cases.

6 For these reasons and others mentioned by the other parties  
7 to this action, Defendants Ehrlich, et al., respectfully request  
8 this Court to deny American Casualty's motion for partial summary  
9 judgment.

10 DATED this 16<sup>th</sup> day of December, 1988.

11 Respectfully Submitted,

12 ADLER GIERSCH, P.S.

13  
14 BY: 

15 Ann J. Durham  
16 Attorney for Ehrlichs, et al.,  
17 Defendants in the Declaratory  
18 Judgment Action  
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28 MEMORANDUM IN OPPOSITION - 7

LAW OFFICES OF  
ADLER GIERSCH, P.S.  
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401 SECOND AVE. S.  
SEATTLE, WA 98104  
(206) 682-0300



CIVIL TRACK ONE  
THE HONORABLE JOHN RILEY

**FILED**  
KING COUNTY, WASHINGTON  
DEC 23 1988  
SUPERIOR COURT CLERK  
MELISSA R. KEATING  
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, et ux., et al., )  
Plaintiffs, )

v. )

DONALD LEE BARNETT, et ux., et )  
al., )  
Defendants. )

SANDY ERLICH, et ux., et al., )  
Plaintiffs, )

v. )

RALPH ALSKOG, et ux., et al., )  
Defendants. )

MAUREEN PANGBORNE JORGENSEN, )  
Plaintiff, )

v. )

DONALD LEE BARNETT, et ux., et )  
al., )

*original*

CONSOLIDATED/TRACK ONE

NO. 86-2-18176-8

ORDER GRANTING MOTION FOR  
RECONSIDERATION FOR LEAVE  
TO AMEND PLAINTIFF BUTLERS  
COMPLAINT & DENYING MOTION  
TO JOIN ADDITIONAL PARTIES

*210*  
*off*

ORDER RE:  
PLAINTIFFS BUTLER MOT.  
RECONSIDERATION AMENDING COMPLAINT - 1  
CIVIL TRACK I

LAW OFFICES  
KARGIANIS, AUSTIN & ERICKSON  
47TH FLOOR COLUMBIA CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7010  
(206) 824-5370

Defendants. )  
\_\_\_\_\_ )

I.

Plaintiff (hereinafter referred to as "Butler, et ux, et al.") appeared through their counsel, Kargianis, Austin & Erickson by Jeff Campiche, also appearing were Bruce Winchell for Lane, Powell, Moss & Miller, St. Paul Insurance Company by and through Don M. Gulliford, Defendant Community Chapel Bible Training Center ("CCBTC"), by and through Michael Bond, of Lee, Smart, et al., Defendants Donald Lee & Barbara Barnett, by and through attorneys Evans, Craven & Lackie and James Craven and Tim Donaldson. Defendants Kathy Butler, et al by and through their attorneys Kargianis, Austin & Erickson and Jeffery M. Campiche, Plaintiffs Sandy Erlich, et al. by and through the law offices of Adler Giersch, and Ann J. Durham and Richard Adler. Defendant Ralph Alskog by and through the law offices of Rosenow, Hale & Johnson, and John C. Graffe; Plaintiff Maureen Jorgenson, by and through the law firm of Preston Thorgrimson, and Susan Delanty Jones.

The court has re-considered the Motion of Plaintiffs Butler, et ux, et al, to Amend Complaint and to Join Additional Parties and has further heard oral argument; the court deems itself fully advises in the premises, now therefore, it is

ORDERED AND DECREED that the Plaintiffs Butler may amend their complaint as prayed for with respect to the allegations of liability, etc. and

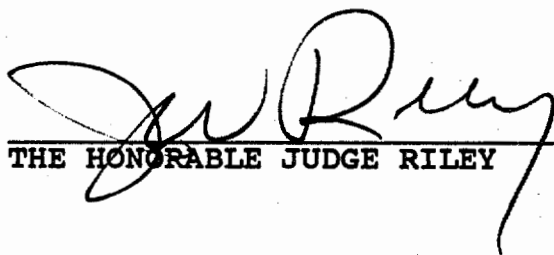
ORDER RE:  
PLAINTIFFS BUTLER MOT.  
RECONSIDERATION AMENDING COMPLAINT - 2

LAW OFFICES  
KARGIANIS, AUSTIN & ERICKSON  
47TH FLOOR COLUMBIA CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7010  
(206) 624-5370

1 IT IS FURTHER ORDERED that the Plaintiffs Butler may not amend  
2 their Complaint to join additional parties as prayed for; and,

3 IT IS FURTHER ORDERED that the Defendants are not required to  
4 file an answer thereto and specifically deny any additional allega-  
5 tions of Plaintiffs Butler, et ux, et al.

6 DONE IN OPEN COURT this 22nd day of December, 1988.

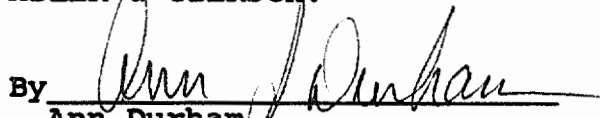
7  
8   
9 THE HONORABLE JUDGE RILEY

10 Presented by:  
11 KARGIANIS, AUSTIN & ERICKSON

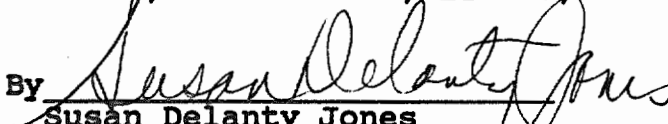
12 By   
13 JEFFERY M. CAMPICHE  
14 Attorneys for Plaintiffs Butler

15 COPY RECEIVED, APPROVED AS TO FORM

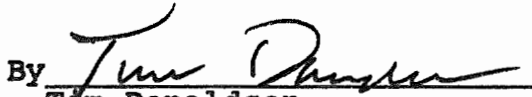
16 ADLER & GIERSCH:

17 By   
18 Ann Durham  
19 Attys for Plaintiffs Ehrlich

20 PRESTON, THORGRIMSON, ET AL.

21 By   
22 Susan Delanty Jones  
23 Attorneys for Plaintiffs Jorgenson

24 EVANS, CRAVEN & LACKIE

25 By   
26 Tim Donaldson  
Attys for Barnett, et ux,

ORDER RE:  
PLAINTIFFS BUTLER MOT.  
RECONSIDERATION AMENDING COMPLAINT - 3

LAW OFFICES  
KARGIANIS, AUSTIN & ERICKSON  
47TH FLOOR COLUMBIA CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7010  
(206) 624-9370

LEE, SMART, ET AL.,

1  
2 By Michael J. Bond  
3 Michael J. Bond  
4 Attorneys for CCBTC

ROSENOW, HALE & JOHNSON

5  
6 By John Guff, for Jgr  
7 Jack Rosenow  
8 Attys for Alskog

HELSELL, FETTERMAN, ET AL.

9  
10 By Pauline Smetka  
11 Pauline Smetka  
12 Attys for Alskog

LANE, POWELL, MOSS, ET AL.,

13  
14 By Bruce Winchell  
15 Bruce Winchell  
16 Attys for American Casualty

LAW OFFICES OF DON M. GULLIFORD

17  
18 By Don M. Gulliford  
19 Don Gulliford  
20 Attys for St. Paul Insurance Co.

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ORDER RE:  
PLAINTIFFS BUTLER MOT.  
RECONSIDERATION AMENDING COMPLAINT - 4

LAW OFFICES  
KARGIANIS, AUSTIN & ERICKSON  
47TH FLOOR COLUMBIA CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7010  
(206) 624-5370

**FILED**

KING COUNTY, WASHINGTON

DEC 23 1988

SUPERIOR COURT CLERK  
MELISSA R. KEATING  
DEPUTY



SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING

Kathy Lee Butler Plaintiff,

vs.

Donald Lee Barnett Defendant.

No. 86-2-18176-8  
(Consolidated)  
ORDER ON CIVIL MOTION

The above-entitled Court, having heard a motion for a protective order  
sealing the depositions of Don Barnett and  
Barbara Barnett finds good cause to enter  
the following protective order.

IT IS HEREBY ORDERED that ~~the depositions~~ counsel shall not  
distribute copies of the depositions of Don and Barbara  
Barnett to persons other than other counsel or parties  
in this proceeding, but may show such  
copies to other witnesses or potential  
witnesses for purposes of discovery.

DATED: 12-22, 1988.

Presented by:

Tom Duggan  
Approved by: \_\_\_\_\_

John W. Riley  
JUDGE

John W. Riley

[Signature]

CIVIL TRACK I

CIVIL TRACK I  
THE HONORABLE JOHN RILEY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

**FILED**

KING COUNTY, WASHINGTON

DEC 23 1988

SUPERIOR COURT CLERK  
MELISSA R. KEATING  
DEPUTY

No. 88-2-04615-8

CONSOLIDATED TRACK ONE  
CAUSE NO. 86-2-18176-8 ✓

~~RECEIVED~~ PROTECTIVE ORDER  
TO SPECIFY THE TERMS AND  
CONDITIONS OF THE ORAL  
EXAMINATIONS OF PARTIES AND/  
OR WITNESSES

No. 86-2-18176-8

No. 86-2-18429-5

No. 86-2-26360-8

AMERICAN CASUALTY COMPANY OF )  
READING PENNSYLVANIA, a )  
Pennsylvania corporation, )

Plaintiff, )

v. )

KATHY LEE BUTLER, et al., )

Defendants. )

KATHY LEE BUTLER, et vir., )  
et al., )

Plaintiffs, )

v. )

DONALD LEE BARNETT, et ux., )  
et al., )

Defendants. )

SANDY EHRLICH, et al., )

Plaintiffs, )

v. )

RALPH ALSKOG, et al. )

Defendants. )

MAUREEN PANGBORNE JORGENSEN, )

Plaintiff, )

v. )

COMMUNITY CHAPEL AND BIBLE )  
TRAINING CENTER, et al., )

Defendants. )

PROTECTIVE ORDER - 1

CIVIL TRACK I

LAW OFFICES OF  
ADLER GIERSCH, P.S.  
SUITE 600  
401 SECOND AVE. S.  
SEATTLE, WA 98104  
(206) 682-0300

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THIS MATTER, having come before the Court upon the motion of Plaintiffs Ehrlich, et al., attorney, Ann J. Durham, for a protective order specifying the terms and conditions for oral examinations of parties and/or witnesses, and the Court having reviewed the declaration, the motion, the responding records, if any, and the records and files herein, and the Court having heard the arguments of counsel,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the following terms and conditions will be imposed on all oral examinations of parties and/or witnesses herein.

1. Each party and/or witness shall be made available for only one oral examination, *except for good cause shown. JR*

DONE IN OPEN COURT this *22* day of December, 1988.

*[Signature]*  
Judge John Riley  
*John W. Riley*

PRESENTED BY:  
ADLER GIERSCH, P.S.

BY: *[Signature]*  
Ann J. Durham  
Attorney for Plaintiffs  
Ehrlich, et al.

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER, et vir.,  
et al.,  
  
Plaintiffs,

Consolidated  
No. 86-2-18176-8

v.

DONALD LEE BARNETT, et ux.,  
et al.,  
  
Defendants.

ORDER GRANTING  
LEAVE TO PLAINTIFF JORGENSEN  
TO FILE AND SERVE SECOND  
AMENDED COMPLAINT OF MAUREEN  
P. JORGENSEN FOR DAMAGES AND  
EQUITABLE RELIEF

SANDY EHRLICH, et vir., et  
al.,  
  
Plaintiffs,

v.

RALPH ALSKOG, et ux., et  
al.,  
  
Defendants.

MAUREEN P. JORGENSEN,  
  
Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE  
TRAINING CENTER, et al.,  
  
Defendants.

ORDER GRANTING LEAVE TO PLAINTIFF  
TO FILE AND SERVE SECOND AMENDED COMPLAINT  
OF MAUREEN JORGENSEN FOR DAMAGES AND  
EQUITABLE RELIEF - 1

213  
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LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580



12P.06Q

1 )  
2 AMERICAN CASUALTY COMPANY OF )  
3 READING PENNSYLVANIA, a )  
4 Pennsylvania corporation, )

5 Plaintiff, )

6 v. )

7 KATHY LEE BUTLER, et al., )

8 Defendants. )

9 ST. PAUL FIRE AND MARINE )  
10 INSURANCE COMPANY, a foreign )  
11 corporation, )

12 Plaintiff, )

13 v. )

14 KATHY LEE BUTLER, et al., )

15 Defendants. )

16 THIS MATTER having come before the Court on the motion of  
17 plaintiff Jorgensen for leave to file the proposed Second  
18 Amended Complaint of Maureen P. Jorgensen for Damages and  
19 Equitable Relief; the Court having considered plaintiff's  
20 motion, the affidavit of Susan Delanty Jones, the proposed  
21 amended complaint, and the pleadings filed herein; and the Court  
22 having heard argument of counsel, it is now hereby

23 ORDERED, ADJUDGED AND DECREED that plaintiff Jorgensen is  
24 granted leave to file and serve the Second Amended Complaint of  
25 Maureen P. Jorgensen for Damages and Equitable Relief, which  
26 shall relate back to the date on which the original complaint

ORDER GRANTING LEAVE TO PLAINTIFF  
TO FILE AND SERVE SECOND AMENDED COMPLAINT  
OF MAUREEN JORGENSEN FOR DAMAGES AND  
EQUITABLE RELIEF - 2

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

12P.06Q

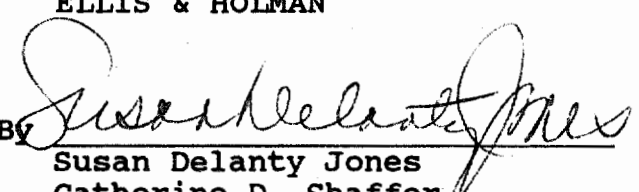
1 was filed in this Court.

2 DONE IN OPEN COURT this 22 day of December, 1988.

3  
4  
5   
6 JUDGE JOHN RILEY

7 Presented by:

8 PRESTON, THORGRIMSON,  
9 ELLIS & HOLMAN

10 BY   
11 Susan Delanty Jones  
12 Catherine D. Shaffer  
13 Attorneys for Plaintiff  
14 Maureen P. Jorgensen  
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26 ORDER GRANTING LEAVE TO PLAINTIFF  
TO FILE AND SERVE SECOND AMENDED COMPLAINT  
OF MAUREEN JORGENSEN FOR DAMAGES AND  
EQUITABLE RELIEF - 3

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

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DEC 22 1988

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ROSENOW, HALE & JOHNSON  
EVANS CRAVEN & LICKIL, P.S.

DEC 27 1988  
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

DEC 20 1988

SANDY EHRlich, et al,  
LAW OFFICES OF JOHN S. GLASSMAN

RECEIVED  
DEC 21 1988

Plaintiffs CONSOLIDATED WITH  
KING COUNTY, WASHINGTON ) 88-2-04615-8  
vs. ) ONE POWELL MOSS & MILLER  
Ralph ALSKOG, et al, )  
DECLARATION OF MICHAEL W. BUGNI  
IN OPPOSITION TO PLAINTIFFS'  
MOTION TO TERMINATE DEPOSITION  
OF SYBIL LEMKE

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DEC 27 1988  
ADLER GIERSCHE, P.S.

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MICHAEL W. BUGNI declares as follows:

1. I am of the attorneys of record for Defendants Howerton in the consolidated action in King County Superior Court cause numbers 86-2-18176-8 and 88-2-04615-8, currently pending. I have personal knowledge of and I am familiar with the records and files contained herein.

2. I have read the Declaration of Michael J. Bond in opposition to Plaintiffs' Motion to Termination Deposition of Sybil Lemke. I was present with Mr. Bond when Sybil Lemke abruptly terminated her own deposition on January 12, 1987, almost 2 years ago. I was representing Mr. Howerton in connection with a related gross misdemeanor at the time and since that case was resolved soon after this incident, I did not pursue a continuation of the deposition. Mr. Bond was just getting into a

DECLARATION OF M. BUGNI - 1

ORIGINAL

Moren, Cornell, Hansen, P.S.  
Attorneys at Law  
11320 Roosevelt Way N.E.  
Seattle, Washington 98125  
(206) 365-5500

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MARTIN AND PATTERSON  
DEC 27 1988


1 significant and important line of questioning about Sybil's  
2 diary, which contradicted her sworn testimony at numerous points.  
3 As regards Ms. Lemke's civil claim against him, Mr. Howerton  
4 strongly desires the proper continuation of her deposition.  
5 There is much left to inquire concerning her damages. As stated  
6 by Mr. Bond, almost 2 years have elapsed and Defendant Howerton  
7 requires additional supplemental discovery in order to ascertain  
8 what has been happening in the interim. I concur with the rest  
9 of Mr. Bond's comments as well.

10 3. I certify and declare under penalty of perjury under  
11 the laws of the State of Washington that the foregoing statement  
12 is true and correct.

13 DATE: December 19, 1988

  
MICHAEL W. BUGNI

14 PLACE OF SIGNING:

 Seattle, Washington  
(City and State)

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25 DECLARATION OF M. BUGNI - 2

Moren, Cornell, Hansen, P.S.  
Attorneys at Law  
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Seattle, Washington 98125  
(206) 365-5500

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JOHN S. GLASSMAN

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HELSELL, FETTERMAN, MARTIN  
TODD & HOKANSON

KING COUNTY SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

DEC 27 1988

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DEC 21 1988

SUPERIOR COURT CLERK  
SANDY EHRLICH, et al,

No. 86-2-18176

Plaintiffs,

CONSOLIDATED WITH  
88-2-04615-8 ATTY

vs.

RALPH ALSKOG, et al,

DECLARATION OF MICHAEL W. BUGNI  
OPPOSING PLAINTIFFS' MOTION TO  
COMPEL AND FOR TERMS,  
SUPPORTING DEFENSE MOTION  
TERMS

Defendants.

DEC 27 1988

MICHAEL W. BUGNI declares as follows:

SUPERIOR COURT CLERK

1. I am of the attorneys of record for Defendants

Howerton in the consolidated action in King County Superior Court  
cause numbers 86-2-18176-8 and 88-2-04615-8, currently pending.  
I have personal knowledge of and I am familiar with the records  
and files contained herein.

2. I just recently appeared on behalf of Defendants  
Howerton for purposes of the November 10, 1988 pre-trial con-  
ference, and in response to Plaintiffs' "Motion to Compel  
Identification of Defendants Howerton's Counsel of Record." I  
had represented Mr. Howerton in a related gross misdemeanor over  
2 years ago, but have had no involvement in that matter since the  
case was resolved. Immediately following the November 10  
pre-trial conference I had a trial in Thurston County which

DECLARATION OF M. BUGNI - 1

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LEE SMITH, COO.  
MARTIN AND PATTERSON

ORIGINAL

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Attorneys at Law  
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Seattle, Washington 98125  
(206) 365-5500

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DA

lasted through December 1.

1           3. I was not a party to the "agreement among attorneys  
2 to depose all parties prior to January 1, 1989." I was in trial  
3 in Thurston County when the notice of Mr. Howerton's deposition  
4 was delivered to my office. Upon returning from trial, I learned  
5 of the deposition (which was 2 working days later) only because  
6 it had been set up by my secretary and put on my calendar. I did  
7 not tell Ann Durham that I had been "too busy" to comply with the  
8 Subpoena Duces Tecum! I merely explained to her, because it was  
9 the truth, that I had just finished a 3 week trial and I had not  
10 seen the Subpoena Duces Tecum before she showed it to me. The  
11 issue was quickly dropped and the deposition continued, at  
12 length. Ms. Durham said nothing during or after the deposition  
13 about this having prevented her from fully conducting her deposi-  
14 tion, or having forced her to reconvene the deposition. As it  
15 was, the deposition took almost all day, certain participants had  
16 to leave, and had it gone on much longer it would probably have  
17 had to reconvene anyway.

18           4. Upon further review, the Subpoena Duces Tecum was  
19 highly improper in the first place. It was never served upon Mr.  
20 Howerton. I never accepted service on his behalf or agreed to  
21 accept service. CR 30(b)(5) states that a request for documents  
22 to be produced by a party deponent must comply with the CR 34  
23 requirements of 20 days to respond. This Subpoena Duces Tecum  
24 was delivered to my office just one week before the deposition.

25 DECLARATION OF M. BUGNI - 2

1 Regarding Mr. Howerton, Ms. Durham may serve opposing counsel  
2 with a Request for Production of Documents, but not a Subpoena  
3 Duces Tecum.

4 5. At the deposition Mr. Howerton and I reviewed the  
5 Subpoena and indicated that we did not believe the Defendant had  
6 anything to produce in response to it. The requests for witness  
7 statements and exhibits we intend to offer at trial are objec-  
8 tionable as attorney work products under CR 26(b)(3) and the  
9 following cases: City of Philadelphia v. Electric Corp., 210  
10 F.Supp. 483 (E.D. Pa. 1962); Dingler v. Halycon Lijn N.V., 50  
11 F.R.D. 211 (D.C. Pa. 1970); Jay v. Argnoff, 9 Wn.App. 429, 512  
12 P.2d 1132 (1973); Farm View Ins. v. Leyendekker, 17 Wn.App. 304,  
13 562 P.2d 285 (1977). Had opposing counsel properly served me  
14 with a formal Request for Production of Documents, in compliance  
15 with CR 34, and had she given me the appropriate time to respond  
16 as provided in the Civil Rules (which 20 days had not even  
17 expired by the time she filed this Motion to Compel), I would  
18 have raised the above objections and would have stated that with  
19 respect to the other requests, Defendants Howerton have nothing  
20 to produce. I did state this in a letter I wrote to Ms. Durham  
21 just 6 working days after the deposition (a copy of which is  
22 attached hereto).

23 6. Opposing counsel has filed a "Motion to Compel  
24 Production of Documents and for Imposition of Costs and Fees" in  
25 violation of CR 37(e) and (f). There was no discovery con-

DECLARATION OF M. BUGNI - 3

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(206) 365-5500

1       ference. There was not even an attempt to set one up. The  
2 matter was discussed briefly at the time it arose, and quickly  
3 resolved with me indicating I would review the Subpoena and get  
4 back to Ms. Durham in a few days if we had anything. There was  
5 no follow-up whatsoever on her part, including as to either  
6 setting a deadline or scheduling a discovery conference.

7               7. Just 2 days after this deposition I received a  
8 letter from Plaintiffs' counsel in the Jorgensen case, indicating  
9 that my representation of Mr. Howerton in the now consolidated  
10 cases may represent a conflict of interest. One of my partners  
11 had represented Ms. Jorgensen with respect to one of the trans-  
12 actions at issue and may be called as a witness. Of course the  
13 Jorgensen lawsuit is totally unrelated to the Howerton lawsuit  
14 and, as far as I understood, these matters were consolidated for  
15 pre-trial discovery purposes only. Despite my very recent  
16 appearance, I have already expressed in open court my client's  
17 strong desire to have a trial separate from the other parties in  
18 the Ehrlich lawsuit, let alone the other lawsuits. Apparently  
19 Ms. Jorgenson will oppose separate trials. Despite not knowing  
20 the outcome of this issue, I have been working with Mr. Howerton  
21 to obtain substitute counsel, in which case his new attorney will  
22 also want to review these discovery requests and respond.

23               8. Ms. Durham goes on at length to describe all of her  
24 expenses incurred in filing a motion which is improper under the  
25 Civil Rules. She would not have had these expenses had she

DECLARATION OF M. BUGNI - 4


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Attorneys at Law  
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Seattle, Washington 98125  
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1 complied with those rules in the first place. Now I have had to  
2 incur expenses in reading all of this, preparing my response, and  
3 arguing the matter, despite my letter to Ms. Durham just 6 work-  
4 ing days after the deposition. Terms should be assessed against  
5 Ms. Durham and the firm of Adler, Giersch in the amount of  
\$450.00 under either CR 11 or CR 37(b)(4).

6 9. I certify and declare under penalty of perjury under  
7 the laws of the State of Washington that the foregoing statement  
8 is true and correct.

9  
10 DATE: December 19, 1988

  
MICHAEL W. BUGNI

11  
12 PLACE OF SIGNING:

Seattle, Washington  
(City and State)

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25 DECLARATION OF M. BUGNI - 5

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Seattle, Washington 98125  
(206) 365-5500

CHARLES V MOREN  
KENNETH L CORNELL  
STEPHEN W HANSEN  
MICHAEL W BUGNI  
PAUL S McCONNELL\*  
PAUL G EKLUND

**MOREN, CORNELL & HANSEN, P.S.**

ATTORNEYS AT LAW  
ROOSEVELT-PINEHURST BUILDING  
11320 ROOSEVELT WAY NORTHEAST  
SEATTLE, WASHINGTON 98125  
(206) 365-5500

\*Also Admitted in Virginia

December 14, 1988

Ms. Ann J. Durham  
Attorney at Law  
401 Second Ave. S., Suite 600  
Seattle, Washington 98104

Re: Ehrlich vs. Alskog, et al

Dear Ms. Durham:

I feel your motion to compel production of documents and for terms for failure to comply with the Subpoena Duces Tecum is highly improper. First of all, Mr. Howerton is a party. Under CR 30(b)(5), if you want him to produce documents at his deposition, your request for documents must comply with CR 34. It has not even been 20 days since your Subpoena Duces Tecum was delivered to my office, nor does the form of your Subpoena comply with the Civil Rules for a Request for Production of Documents. I told you at the deposition that I did not think we had anything to produce in response to your requests and I can state that upon further review we indeed have nothing to produce. Your request for witness statements and exhibits we intend to offer at trial is objectionable under CR 26(b)(3), 210 F.Supp. 483 (E.D. Pa. 1962) and 9 Wn.App. 429 (1973).

Secondly, how can you file a "Motion to Compel Production of Documents and for Imposition of Costs and Fees" without first conducting a discovery conference under Local Rule 37(e)? You have not filed a certificate in compliance with Local Rule 37(f). This is because there was no such conference. The matter was discussed briefly, only at the time it arose, and was quickly dropped when I said I would review your Subpoena and get back to you if we had anything to produce in a few days. You then filed your motion, without any follow-up whatsoever, just 5 working days later.

Finally, even if a Subpoena Duces Tecum, rather than a formal Request for Production of Documents, was enforceable as against a party deponent, your Subpoena Duces Tecum was never served upon Mr. Howerton. I never accepted service on his behalf or agreed to accept service. What concerns me even more is that following the deposition you failed to even indicate that we were causing you a problem, that you would have to reconvene the deposition, or that you expected us to respond within any time certain. I

Ms. Durham  
Dec. 14, 1988  
Page 2

think that you should strike your motion and conduct your discovery in accordance with the Civil Rules. If you do not do so prior to the date of your hearing, Mr. Howerton will seek terms as against you and your firm. Please advise.

Yours truly,



Michael W. Bugni

MWB:mp  
cc: Robert Howerton

FILED

1988 DEC 29 PM 1:32

CIVIL TRACK ONE  
THE HONORABLE JOHN RILEY

IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, et vir, et al., )

Plaintiffs, )

v. )

DONALD LEE BARNETT, et ux., et al., )

Defendants and  
Third Party Plaintiffs, )

v. )

GARY LIEN, )

Third Party Defendant. )

SANDY EHRLICH, et vir, et al., )

Plaintiffs, )

v. )

RALPH ALSKOG, et ux., et al., )

Defendants. )

MAUREEN P. JORGENSEN, )

Plaintiff, )

v. )

COMMUNITY CHAPEL AND BIBLE  
TRAINING CENTER, et al., )

CONSOLIDATED/  
TRACK ONE  
NO. 86-2-18176-8 ✓

COVER SHEET RE  
LETTER TO PLAINTIFF  
CARL A. PETERSON

NO. 86-2-18429-5

NO. 86-2-26860-8

COVER SHEET RE LETTER TO PLAINTIFF  
CARL A. PETERSON / PAGE NUMBER 1

LAW OFFICES OF  
DON M. GULLIFORD & ASSOCIATES  
2200 112th Avenue N.E.  
P.O. Box 548, Bellevue, WA 98009-0548  
Bellevue, WA 98004  
(206) 462-4000

ORIGINAL

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Defendants. )

ST. PAUL FIRE AND MARINE INSURANCE  
COMPANY, a foreign corporation,

Plaintiff, )

v. )

KATHY LEE BUTLER, et vir, et al., )

Defendants. )

NO. 88-2-18321-0

TO: CLERK OF THE COURT

Attached hereto for filing is a photocopy of the letter of Don M. Gulliford & Associates advising Mr. Carl A. Peterson, plaintiff in King County Cause No. 86-2-18176-8, of the motion pending before the Honorable John Riley relative to consolidation of King County Cause No. 86-2-18176-8, entitled Carl A. Peterson v. Wayne Snoey, individually, et ux., et al., with the above-captioned litigations.

DATED this 28th day of December, 1988.

LAW OFFICES OF  
DON M. GULLIFORD & ASSOCIATES

By *Don M. Gulliford*  
DON M. GULLIFORD  
Of Attorney for  
ST. PAUL FIRE & MARINE  
INSURANCE COMPANY

LAW OFFICES OF  
**DON M. GULLIFORD & ASSOCIATES**

2200 - 112th Avenue Northeast, #200  
Bellevue, Washington 98004

Mailing Address: Box 548, Bellevue, WA 98009-0548

(206) 462-4000  
Telex: 15-2920  
FAX: (206) 453-3226

DON M. GULLIFORD  
ROBERT R. COLE  
SHELLIE MCGAUGHEY

RICHARD R. BERNSTEIN  
Of Counsel

December 28, 1988

**CERTIFIED MAIL/ RETURN RECEIPT REQUESTED**

Mr. Carl Peterson  
710 Cedar Street  
Muscatine, Iowa 52761

Re: Carl A. Peterson v. wayne Snoey, et ux., et al.  
King County Cause No. 87-2-14919-6

Dear Mr. Peterson:

Enclosed with this letter is a copy of a Summons and Complaint in which you are named as a defendant in what is called a declaratory judgment action which respects insurance coverage afforded the Community Chapel and Bible Training Center.

Contemporaneously with this letter you will probably be served with these pleadings by a sheriff or other process server in Iowa.

Also being served upon you, and mailed with this letter, is a motion to consolidate your case with existing plaintiffs' cases in King County, Washington. This is to consolidate your case before the Honorable John Riley, a King County Superior Court Judge to whom all of the plaintiffs' cases in the Community Chapel and Bible Training Center have been consolidated on what is called a Civil Track One system.

You may not wish to take any action with respect to these motions and, if you do not, the matter will be consolidated with existing cases. The hearing is now set for February 1, 1989, at 4:00 o'clock p.m. Alternatively, you may wish to retain private counsel, although I understand Mr. Levandowski, your previous counsel, has withdrawn.

Mr. Carl Peterson  
December 28, 1988  
Page Number 2

As noted, a hearing on our motion to consolidate your litigation with the other litigation will be held before the Honorable John Riley on February 1, 1989, at 4:00 o'clock p.m., in courtroom E854.

Sincerely yours

LAW OFFICES OF  
DON M. GULLIFORD & ASSOCIATES

DON M. GULLIFORD

DMG:kaf

Enclosure          Summons & Complaint (St. Paul's)  
                         Motion to Consolidate (St. Paul's)  
                         Judge Riley's Order of Continuance

cc: Honorable Judge Riley  
     E854, King County Courthouse  
     Civil Track One  
     Consolidated Cause No. 86-2-18176-8

King County Superior Court Clerk

1988  
SUPERIOR COURT  
SEATTLE, WA

CIVIL TRACK I  
THE HONORABLE JOHN RILEY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

AMERICAN CASUALTY COMPANY OF )  
READING PENNSYLVANIA, a )  
Pennsylvania corporation, )

Plaintiff, )

v. )

KATHY LEE BUTLER, et al., )

Defendants. )

KATHY LEE BUTLER, et vir., )  
et al., )

Plaintiffs, )

v. )

DONALD LEE BARNETT, et ux., )  
et al., )

Defendants. )

SANDY EHRLICH, et al., )

Plaintiffs, )

v. )

RALPH ALSKOG, et al. )

Defendants. )

MAUREEN PANGBORNE JORGENSEN, )

Plaintiff, )

v. )

COMMUNITY CHAPEL AND BIBLE )  
TRAINING CENTER, et al., )

Defendants. )

No. 88-2-04615-8

CONSOLIDATED TRACK ONE  
CAUSE NO. 86-2-18176-8 ✓

NOTICE OF APPEARANCE

No. 86-2-18176-8

No. 86-2-18429-5

No. 86-2-26360-8

LAW OFFICES OF  
ADLER GIERSCH, P.S.  
SUITE 600  
401 SECOND AVE. S.  
SEATTLE, WA 98104  
(206) 682-0300

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CLERK OF COURT  
SEATTLE, WA

1 ST. PAUL FIRE AND MARINE )  
2 INSURANCE COMPANY, a foreign )  
3 corporation, )  
4 Plaintiff, )  
5 v. )  
6 KATHY LEE BUTLER, et al., )  
7 Defendants. )

No. 88-2-18321-0

8 TO ALL PARTIES AND TO THEIR ATTORNEYS:

9 PLEASE TAKE NOTICE that Defendants Sandy Ehrlich; Michael  
10 Ehrlich; Larry Lemke; Larry Lemke as guardian ad litem on behalf  
11 of Sybil Lemke, a minor; Dee Chabot; Dee Chabot as guardian ad  
12 litem on behalf of Shawna Michelle Chabot, Michael Grant Chabot  
13 and Nicholas Sterling Chabot, as minors; Catherine Kitchell;  
14 Ronald Kitchell; and Catherine Kitchell as guardian ad litem on  
15 behalf of Wendy Kitchell, without waiving objection as to improper  
16 service or jurisdiction, enter their appearance by the undersigned  
17 attorneys, and service of all pleadings, notices, documents or  
18 other papers, exclusive of process, may be had upon said  
19 defendants by serving both of the undersigned attorneys at their  
20 address below stated.

21 DATED this 30<sup>th</sup> day of December, 1988.

22 ADLER GIERSCH, P.S.

23 BY: Ann J. Durham  
24 Ann J. Durham  
25 Attorney for Defendants

26 MESSINA DUFFY

27 BY: John Messina by AID  
28 John Messina  
Attorney for Defendants

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

AMERICAN CASUALTY COMPANY OF  
READING PENNSYLVANIA, a  
Pennsylvania corporation,

Plaintiff,

v.

KATHY LEE BUTLER, et al.,

Defendants.

No. 88-2-04615-8

CONSOLIDATED TRACK ONE  
CAUSE NO. 86-2-18176-8

CERTIFICATE OF SERVICE

KATHY LEE BUTLER, et vir.,  
et al.,

Plaintiffs,

v.

DONALD LEE BARNETT, et ux.,  
et al.,

Defendants.

No. 86-2-18176-8

SANDY EHRLICH, et al.,

Plaintiffs,

v.

RALPH ALSKOG, et al.

Defendants.

No. 86-2-18429-5

MAUREEN PANGBORNE JORGENSEN,

Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE  
TRAINING CENTER, et al.,

Defendants.

No. 86-2-26360-8

CERTIFICATE OF MAILING - 1

LAW OFFICES OF  
ADLER GIERSCH, P.S.  
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401 SECOND AVE. S.  
SEATTLE, WA 98104  
(206) 682-0300

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CIVIL TRACK ONE  
THE HONORABLE JOHN RILEY  
SUPERIOR COURT CLERK

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IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, et vir, et al.,  
Plaintiffs,

v.

DONALD LEE BARNETT, et ux., et al.,  
Defendants.

✓ CONSOLIDATED/TRACK ONE  
NO. 86-2-18176-8

ORDER APPROVING INTER-  
VENTION AND DIRECTING  
CONSOLIDATION OF  
DECLARATORY JUDGMENT  
ACTION AND CONSOLI-  
DATING THE ADDITIONAL  
PETERSON LITIGATION

NO. 86-2-18429-5

SANDY EHRLICH, et vir, et al.,  
Plaintiffs,

v.

RALPH ALSKOG, et ux., et al.,  
Defendants.

NO. 86-2-26860-8

MAUREEN PANGBORNE JORGENSEN,  
Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE  
TRAINING CENTER, et al.,  
Defendants.

ORDER APPROVING INTERVENTION AND  
DIRECTING CONSOLIDATION OF  
DECLARATORY JUDGMENT ACTION - 1  
interven.ord

LAW OFFICES OF  
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2200 112th Avenue N.E.  
P.O. Box 548, Bellevue, WA 98009-0548  
Bellevue, WA 98004  
(206) 462-4000

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ST. PAUL FIRE AND MARINE INSURANCE )  
COMPANY, a foreign corporation, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
KATHY LEE BUTLER, et vir, et al., )  
 )  
Defendants. )

NO. 88-2-18321-0

THIS MATTER having come on regularly for presentation and hearing before the undersigned Judge of the above-entitled court on December 16, 1988, pursuant to the motion to intervene and consolidate the declaratory judgment of the plaintiff St. Paul Fire and Marine Insurance Company with the underlying consolidated cases shown in the above caption, and the matter not being resisted by counsel, and it appearing to the court that such intervention and consolidation is appropriate and would further judicial economy and the interests of justice; now, therefore, it is hereby

ORDERED, ADJUDGED and DECREED that the declaratory judgment action wherein the St. Paul Fire and Marine Insurance Company is the plaintiff under King County Superior Court Cause 88-2-18321-0, is hereby consolidated with the above consolidated cause 86-2-18176-8 and leave to intervene in such action is granted to the St. Paul Fire and Marine Insurance Company and such matter is consolidated for discovery purposes at this time. It is further

ORDER APPROVING INTERVENTION AND DIRECTING CONSOLIDATION OF DECLARATORY JUDGMENT ACTION - 2 interven.ord

ORIGINAL

LAW OFFICES OF  
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*Motion to Consolidate*  
ORDERED, ADJUDGED and DECREED that the litigation filed in King County Superior Court entitled Carl A. Peterson v. Community Church and Bible Training Center, Barnett, Snoey, et al., Cause 87-2-14919-6, is ~~consolidated with the consolidated cases herein~~ *continued until Feb 1, 1988 at 4:00 PM* ~~under the above consolidated Civil Track One cause number for purposes of discovery at this time.~~

DONE and DATED this 16th day of December, 1988.

*John W Riley*  
JUDGE JOHN RILEY

PRESENTED BY:

LAW OFFICES OF  
DON M. GULLIFORD & ASSOCIATES

By *Don M Gulliford*  
Don M. Gulliford  
Of Attorneys for Plaintiff St. Paul  
Fire and Marine Insurance Company

ORDER APPROVING INTERVENTION AND  
DIRECTING CONSOLIDATION OF  
DECLARATORY JUDGMENT ACTION - 3  
interven.ord

ORIGINAL

LAW OFFICES OF  
DON M. GULLIFORD & ASSOCIATES  
2200 112th Avenue N.E.  
P.O. Box 548, Bellevue, WA 98009-0548  
Bellevue, WA 98004  
(206) 462-4000

1988

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

AMERICAN CASUALTY COMPANY OF )  
READING PENNSYLVANIA, a )  
Pennsylvania corporation, )

Plaintiff, )

v. )

KATHY LEE BUTLER, et al., )

Defendants. )

No. 88-2-04615-8

CONSOLIDATED TRACK ONE ✓  
CAUSE NO. 86-2-18176-8 ✓

PLAINTIFFS EHRLICH'S, ET AL.,  
EXPERT WITNESS LIST

KATHY LEE BUTLER, et vir., )  
et al., )

Plaintiffs, )

v. )

DONALD LEE BARNETT, et ux., )  
et al., )

Defendants. )

No. 86-2-18176-8 ✓

SANDY EHRLICH, et al., )

Plaintiffs, )

v. )

RALPH ALSKOG, et al. )

Defendants. )

No. 86-2-18429-5

MAUREEN PANGBORNE JORGENSEN, )

Plaintiff, )

v. )

COMMUNITY CHAPEL AND BIBLE )  
TRAINING CENTER, et al., )

Defendants. )

No. 86-2-26360-8

PLAINTIFFS' EXPERT WITNESS LIST - 1

LAW OFFICES OF  
ADLER GIERSCH, P.S.  
SUITE 600  
401 SECOND AVE. S.  
SEATTLE, WA 98104  
(206) 682-0300

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1  
2 ST. PAUL FIRE AND MARINE )  
INSURANCE COMPANY, a foreign )  
3 corporation, )

4 Plaintiff, )

5 v. )

6 KATHY LEE BUTLER, et al., )

7 Defendants. )

No. 88-2-18321-0

8 Pursuant to the agreed order for pre-trial discovery that was  
9 entered on November 9, 1988, Plaintiffs Ehrlich, et al., hereby  
10 submit their list of expert witnesses.

11 Plaintiffs Ehrlich, et al., reserve the right to supplement  
12 this list if further discovery warrants.

13 EXPERT WITNESSES

14	<u>NAME AND ADDRESS</u>	<u>WITNESS FOR</u>
15		
16	Ronald Enroth, PhD	All Plaintiffs
17	955 LaPaz Road	
18	Santa Barbara, CA 93108	
19		
20	Margaret T. Singer, PhD	All Plaintiffs
21	17 El Camino Real	
22	Berkeley, CA 94705	
23		
24	Philip Lindsay, M.D.	Sandy Ehrlich
25	901 Boren, Suite 1329	Michael Ehrlich
26	Seattle, WA 98104	
27		
28	S. Harvard Kaufman, M.D.	Ron Kitchell
	710 10th E.	Catherine Kitchell
	Seattle, WA 98112	Wendy Kitchell

PLAINTIFFS' EXPERT WITNESS LIST - 2

LAW OFFICES OF  
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SEATTLE, WA 98104  
(206) 682-0300

1	John Dunne, M.D. 1400 Talbot Road S., Suite 203 Renton, WA 98055	Dee Chabot Shawna Chabot Michael Chabot Nicholas Chabot
3	Stuart Greenberg, PhD 1109 First Avenue, Suite 310 Seattle, WA 98101	Sybil Lemke Larry Lemke
6	Lucy Berliner Harborview Sexual Assault Ctr 325 Ninth Seattle, WA	Sybil Lemke
9	Reed Davis, PhD CRISTA Counseling Service 19303 Fremont Avenue N. Seattle, WA 98133	Michael Chabot Shawna Chabot
12	David Penner, PhD CRISTA Counseling Service 19303 Fremont Avenue N. Seattle, WA 98133	Dee Chabot
15	Arthur Wassmer, PhD 10518 N.E. 68th Kirkland, WA	Larry Lemke
18	Paul Eckland 11320 Roosevelt Way N.E. Seattle, WA 98125	Ron Kitchell Catherine Kitchell
20	Pastor George Page Des Moines Assembly of God 21816 24th Avenue S. Des Moines, WA 98188	All Plaintiffs
23	Marc Ungar CASA Volunteer King County Family Law King County Courthouse Room W-321 Seattle, WA 98104	Dee Chabot Shawna Chabot Michael Chabot Nicholas Chabot

27

28 PLAINTIFFS' EXPERT WITNESS LIST - 3

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SEATTLE, WA 98104  
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1 Jerry Yates, M.D.  
2 South Seattle Women's Clinic  
3 16122 8th S.W.  
4 Seattle, WA

Sandy Ehrlich

4 Karl Lane, PhD  
5 Des Moines Elementary School  
6 Psychologist  
7 Highline Public Schools  
8 15675 Ambaum Boulevard S.W.  
9 Seattle, WA 98166

Michael Chabot  
Shawna Chabot

8 Jeanne Goodson  
9 Des Moines Elementary School  
10 Psychologist  
11 Highline Public Schools  
12 15675 Ambaum Boulevard S.W.  
13 Seattle, WA 98166

Shawna Chabot

12 Paul Whitesides  
13 Des Moines Elementary School  
14 Psychologist  
15 Highline Public Schools  
16 15675 Ambaum Boulevard S.W.  
17 Seattle, WA 98166

Michael Chabot

16 Neil Duncanson, M.D.  
17 14212 Ambaum Boulevard S.W.  
18 Seattle, WA 98166

Dee Chabot  
Shawna Chabot  
Michael Chabot  
Nicholas Chabot

19 DATED this 3rd day of January, 1989.

20 ADLER GIERSCH, P.S.

21  
22 BY: 

23 Ann J. Durham  
24 Of Attorneys for Plaintiffs  
25 Ehrlich, et al.

26  
27  
28 PLAINTIFFS' EXPERT WITNESS LIST - 4

LAW OFFICES OF  
ADLER GIERSCH, P.S.  
SUITE 600  
401 SECOND AVE. S.  
SEATTLE, WA 98104  
(206) 682-0300

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LANE POWELL MOSS & MILLER  
TIME \_\_\_\_\_ ATTY \_\_\_\_\_

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JAN 5 1989

ROSENOW, HALE  
& JOHNSON

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JAN 05 1989

~~IN RE~~ SUPERIOR COURT OF THE STATE OF WASHINGTON  
CORNELL & HANSEN, P.S. IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER, et vir.,  
et al.,

Plaintiffs,

v.

DONALD LEE BARNETT, et ux.,  
et al.,

Defendants.

SANDY EHRLICH, et vir., et  
al.,

Plaintiffs,

v.

RALPH ALSKOG, et ux., et  
al.,

Defendants.

MAUREEN P. JORGENSEN,

Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE  
TRAINING CENTER, et al.,

Defendants.

Consolidated

No. 86-2-18176-8

JORGENSEN'S RESPONSE TO  
AMERICAN CASUALTY'S  
SUPPLEMENTAL MEMORANDUM  
IN SUPPORT OF MOTION FOR  
PARTIAL SUMMARY JUDGMENT

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MELSELL, FETTERMAN, MARTIN,  
TODD & HOKANSON

JORGENSEN'S RESPONSE TO AMERICAN  
CASUALTY'S SUPPLEMENTAL MEMORANDUM IN  
SUPPORT OF MOTION FOR SUMMARY JUDGMENT - 1

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7500

ORIGINAL

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[Signature]

1 AMERICAN CASUALTY COMPANY OF )  
2 READING PENNSYLVANIA, a )  
3 Pennsylvania corporation, )

4 Plaintiff, )

5 v. )

6 KATHY LEE BUTLER, et al., )

7 Defendants. )

---

8 ST. PAUL FIRE AND MARINE )  
9 INSURANCE COMPANY, a foreign )  
corporation, )

10 Plaintiff, )

11 v. )

12 KATHY LEE BUTLER, et al., )

13 Defendants. )

14  
15 INTRODUCTION

16 Maureen Jorgensen, defendant here and plaintiff in the  
17 underlying tort case, files this response to American  
18 Casualty's Supplemental Memorandum in Support of Motion for  
19 Partial Summary Judgment, served December 30, 1988. American  
20 Casualty interprets the claims set forth in Jorgensen's Second  
21 Amended Complaint too restrictively. In addition, American  
22 Casualty fails again to address the important case of General  
23 Ins. Co. v. Gauger, 13 Wn. App. 928, 538 P.2d 563 (1975), which  
24 holds that consequential damages, including emotional distress  
25 damages, flowing from a covered injury are recoverable from an

26  
JORGENSEN'S RESPONSE TO AMERICAN  
CASUALTY'S SUPPLEMENTAL MEMORANDUM IN  
SUPPORT OF MOTION FOR SUMMARY JUDGMENT - 2

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

1 insurer unless specifically excluded by the policy.

2  
3 A. Jorgensen's Claim for Emotional Distress Damages  
4 Arises From Conduct of Donald Barnett Relating to His  
5 "Spiritual Connections" Teachings and His Public Rebuke of  
6 Jorgensen in 1985.

7 American Casualty asserts that Jorgensen's claim for  
8 emotional distress arises out of her breach of contract and  
9 undue influence claims, but American Casualty reads Jorgensen's  
10 Second Amended Complaint too restrictively. On page 6,  
11 paragraphs 17 and 18, of her Second Amended Complaint (attached  
12 to American Casualty's Supplemental Memorandum), Jorgensen  
13 specifically sets forth facts alleging that Donald Barnett  
14 publicly rebuked and disparaged her. In addition, she has  
15 testified at length in her deposition about the rebuke and her  
16 reaction to it. (See Affidavit of Susan Jones in Support of  
17 Jorgensen's Response to American Casualty's opening memorandum,  
18 filed December 20, 1988, and deposition transcript attached.)  
19 There is at the very least a disputed issue of fact whether  
20 Jorgensen's emotional anguish arose from the harsh rebuke and  
21 Barnett's cruel response to her entreaties or, as American  
22 Casualty claims, only from CCBTC's breach of its contract to  
23 provide lifetime care. For purposes of summary judgment, the  
24 factual dispute must be resolved in Jorgensen's favor. CR 56.

25 B. American Casualty Again Has Failed to Respond to the  
26 Holding of the Gauger Case, Which Requires Denial of American  
27 Casualty's Motion.

Both Jorgensen and the defendants Barnett have discussed

JORGENSEN'S RESPONSE TO AMERICAN  
CASUALTY'S SUPPLEMENTAL MEMORANDUM IN  
SUPPORT OF MOTION FOR SUMMARY JUDGMENT - 3

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1 the case of General Ins. Co. of America v. Gauger, 13 Wn. App.  
2 982, 538 P.2d 563 (1975), in their briefs in opposition to  
3 American Casualty's motion for partial summary judgment.  
4 American Casualty has failed to anywhere address this important  
5 case.

6 In Gauger, the court held that consequential damages  
7 flowing from a covered injury are recoverable under the policy  
8 which provides that coverage, unless consequential damages are  
9 specifically excluded by the policy. 13 Wn. App. at 932.  
10 Here, Jorgensen has alleged that she suffered personal injuries  
11 as a result of Donald Barnett's wrongful conduct, including the  
12 public rebuke, and has testified to both physical contact and  
13 physical sickness arising from Barnett's conduct. She has also  
14 alleged emotional injuries consequential to the bodily  
15 injuries. (See Jorgensen's Second Amended Complaint and  
16 Memorandum in Opposition to Partial Summary Judgment.) Under  
17 Gauger, these emotional injuries, if proved, would be covered  
18 as consequential damages to the covered bodily injuries,  
19 because the American Casualty policy does not specifically  
20 exclude such damages.

#### 21 CONCLUSION

22 American Casualty's Supplemental Memorandum adds nothing  
23 pertinent its earlier argument that Jorgensen's claim of  
24 coverage for her consequential emotional injuries should be  
25 denied. For the reasons discussed in Jorgensen's original  
26

JORGENSEN'S RESPONSE TO AMERICAN  
CASUALTY'S SUPPLEMENTAL MEMORANDUM IN  
SUPPORT OF MOTION FOR SUMMARY JUDGMENT - 4

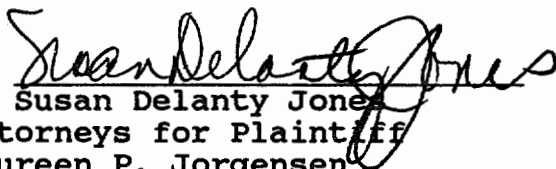
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PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

1 brief in opposition to partial summary judgment, and in the  
2 briefs of all other parties to this motion except those of  
3 American Casualty itself, the motion for partial summary  
4 judgment should be denied.

5 DATED this 4th day of January, 1989.

6 Respectfully submitted,

7 PRESTON, THORGRIMSON,  
8 ELLIS & HOLMAN

9  
10 By   
11 Susan Delanty Jones  
12 Attorneys for Plaintiff  
13 Maureen P. Jorgensen  
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JORGENSEN'S RESPONSE TO AMERICAN  
CASUALTY'S SUPPLEMENTAL MEMORANDUM IN  
SUPPORT OF MOTION FOR SUMMARY JUDGMENT - 5

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
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SEATTLE, WASHINGTON 98104-7011  
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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, et., ux et al.	) )	NO. CONSOLIDATED/TRACK ONE 86-2-18176-8 NO. 86-18176-8
Plaintiffs	)	
v.	)	ANSWER AND
DONALD LEE BARNETT, et ux., et al	) )	COUNTERCLAIM
Defendants, Third Party Plaintiffs	) )	
v	)	
GARY LIEN	)	
Third Party Defendant	)	
<hr/>		
SANDY EHRLICH, et. ux., et al	)	
Plaintiffs	)	
v	)	
RALPH ALSKOG, et us., et al.,	)	
Defendants	)	
<hr/>		
MAUREEN P. JORGENSEN,	)	
Plaintiff	)	
v	)	
COMMUNITY CHAPEL AND BIBLE TRAINING CENTER, et al.	) )	
Defendants	)	

COMES NOW the Third Party Defendant, GARY LIEN, by and through his attorney, ALVIN D. MAYHEW, JR., and answers the Third Party complaint of the Third Party Plaintiffs as follows:

Answer and Counterclaim - 1

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I

Pleading to paragraph 21.1, Third Party Defendant admits same.

II

Pleading to paragraph 21.2 and 21.3, Third Party Defendant denies same.

For further answer, and by way of counterclaim against the Third Party Plaintiffs, Third Party Defendant, GARY LIEN, complains and alleges as follows:

III

PARTIES

3.1 Third Party Defendant, GARY LIEN (hereinafter "Lien"), is the father of SCOTT AND RANDY LIEN.

3.2 Third Party Plaintiffs DON BARNETT and BARBARA BARNETT (hereinafter "Barnett"), are husband and wife, constituting a marital community under the laws of the State of Washington.

3.3 Lien believes Third Party Plaintiff, Community Chapel and Bible Training Center (hereinafter "Chapel"), is a non-profit corporation organized under the laws of the State of Washington, although the exact type of business organization of the Chapel is unknown to Lien at this time.

3.4 Third Party Plaintiffs, Jane and John Does I through V are the officers and directors of the Chapel, the identity of whom is unknown to Lien at this time.

ALVIN D. MAYHEW, JR., INC., P.S.  
ATTORNEYS AT LAW  
1016 MAIN STREET  
SUMNER, WA  
98280  
(206) 869-2266



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IV

FACTS

4.1 The prior to 1975, Kathy Butler and Gary Lien were husband and wife. Two children were born as issue of this marriage: SCOTT AND RANDY LIEN.

4.2 Gary and Kathy Lien began attending the Chapel on a regular basis after they married and eventually became members of this church.

4.3 Gary and Kathy Lien spent a great deal of their spare time at the church and were involved in church activities.

4.4 Don Barnett was employed by the Chapel as a Pastor, and served in that capacity with full knowledge and consent of the officers and directors of the Chapel.

4.5 As Gary and Kathy Lien became more and more involved in the church activities, they became closer friends with Barnett. Because of his position as a Pastor, Gary Lien encouraged contact between his family and Barnett.

4.6 Unknown to Gary Lien, Don Barnett was making sexual advances towards his wife, Kathy Lien. This began sometime in 1972 and continued thereafter.

4.7 In 1975, Kathy and Gary Lien separated and their marriage eventually ended in dissolution.

4.8 The cause of the dissolution was the pressure and guilt suffered by Kathy Lien as a result of the advances made by Don Barnett.

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4.9 That Don Barnett counseled Gary Lien, and Gary Liens specifically sought the counseling of Don Barnett due to the marital difficulties he was having. At no time did Don Barnett tell Gary Lien that he was having any sort of an affair with his wife or that he was making sexual advances towards his wife.

4.10 That Gary Lien learned of these events on or about April 22, 1986, and learned that these events were the cause of the break-up of his marriage.

V

FIRST CAUSE OF ACTION

5.1 Lien realleges each and every allegation set forth in paragraphs III and IV above.

5.2 That Don Barnett owed a duty of due care to Gary Lien to conduct himself in accordance with the standards of a reasonably prudent Pastor. Don Barnett was counseling Gary Lien at the time he was making sexual advances towards his wife without telling Lien of the relationship or the advances made by Barnett towards Lien's wife. The standards for a reasonably prudent pastor do not include making sexual advances towards a person's wife when that person is seeking the help of the pastor for marital difficulties. Moreover, Don Barnett had a duty to inform Gary Lien of the existence of his sexual advances towards his wife. This breach of duty was the sole and proximate cause of the damage suffered by Gary Lien.

5.3 That Lien has been damaged specially and generally in

1 an amount to be proven at the time of trial due to the malpractice  
2 and negligence of Don Barnett as a pastor and counselor.

3 VI

4 SECOND CAUSE OF ACTION

5 6.1 Lien realleges each and every allegation set forth in  
6 paragraphs III, IV and number 5.2.

7 6.2 That Lien was deprived of the services of his wife  
8 prior to divorce due to the negligence and malpractices of Don  
9 Barnett.

10 6.3 That Lien has been damaged specially and generally  
11 for loss of consortium in an amount to be proven at the time  
12 of trial.

13 VII

14 THIRD CAUSE OF ACTION

15 7.1 Lien realleges each and every allegation set forth  
16 in paragraphs III and IV.

17 7.2 That the acts of Don Barnett resulted in intentional  
18 infliction of emotional distress upon Lien.

19 7.3 That Lien has been damaged specially and generally in  
20 an amount to be proven at the time of trial.

21 VII

22 FOURTH CAUSE OF ACTION

23 8.1 Lien realleges each and every allegation set forth in  
24 paragraphs III and IV.

25 8.2 That the acts of Don Barnett constitutes the tort of  
26 outrage.

1  
2 8.3 That Lien has been damaged specially and generally in  
3 an amount to be proven at the time of trial.

4 IX

5 FIFTH CAUSE OF ACTION

6 9.1 Lien alleges each and every allegation set forth in  
7 paragraphs III, IV, V, VI, VII, and VIII.

8 9.2 That Chapel and John Doe and Jane Doe I through V are  
9 liable for all acts of Barnett under the doctrine of respondeat  
10 superior .

11 9.3 Lien has been damaged specially and generally in an  
12 amount to be proven at the time of trial due to the acts of Barnett.

13 X

14 SIXTH CAUSE OF ACTION

15 10.1 Lien realleges each and every allegation set forth  
16 in paragraphs III, IV, V, VI, VII, and VIII

17 10.2 Chapel and Jane Doe and John Doe I through V owe a duty  
18 to the parishiners to properly supervise employees.

19 10.3 By failing to stop Barnett from the type of conduct  
20 alleged herein, Chapel and John Doe and Jane Doe I through V  
21 each breached their respective duty to adequately supervise  
22 employees. This failure to supervise allowed the conduct to  
23 continue which was the sole and proximate cause of the dissolution  
24 of Gary and Kathy Lien's, marriage.

25 10.4 Lien has been damaged specifically and generally in  
26 an amount to be proven at the time of trial due to the acts of  
27 Barnett.

28 Answer and Counterclaim - 6

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WHEREFORE, third party defendant Gary Lien prays for the following relief:

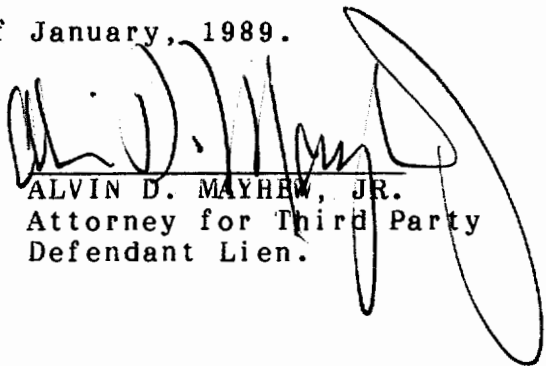
1. For dismissal of the Third Party complaint of Third Party Plaintiffs with prejudice.

2. For special and general damages suffered by Gary Lien against Don Barnett and Barbara Barnett, individually, and against their marital community, and against the Chapel and John Doe and Jane Doe I through V jointly and severally in an amount to be proven at the time of trial due to the causes of action as set forth above.

3. For Lien's costs and disbursements herein to be taxed.

4. For such other and further relief as the court deems appropriate in the premises.

DATED this 4 day of January, 1989.



ALVIN D. MAYHEW, JR.  
Attorney for Third Party  
Defendant Lien.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

FILED

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KATHY LEE BUTLER, et., ux  
et al.

Plaintiffs

v.  
DONALD LEE BARNETT, et ux.,  
et al

Defendants,  
Third Party Plaintiffs

v  
GARY LIEN

Third Party Defendant

NO. CONSOLIDATED/TRACK  
ONE 86-2-18176-8  
NO. 86-18176-8

NOTICE  
OF APPEARANCE

SANDY EHRLICH, et. ux., et al

Plaintiffs

v

RALPH ALSKOG, et us., et al.,

Defendants

MAUREEN P. JORGENSEN,

Plaintiff

v

COMMUNITY CHAPEL AND BIBLE  
TRAINING CENTER, et al.

Defendants

TO: CLERK OF THE COURT, and  
TO: THIRD PARTY PLAINTIFFS, DONALD LEE BARNETT, et ux; and  
TO: EVANS, CRAVEN & LACKEI, and JAMES S. CRAVEN, their attorneys

**YOU WILL PLEASE TAKE NOTICE** that the undersigned hereby

Notice of Appearance - 1

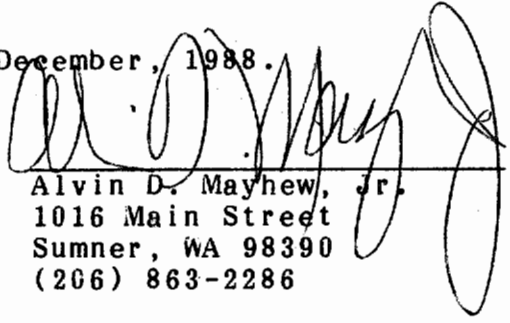
ALVIN D. MAYHEW, JR., INC., P.S.  
ATTORNEYS AT LAW  
1016 MAIN STREET  
SUMNER, WA  
98290  
(206) 863-2266

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makes and enters his appearance on behalf of GARY LIEN, Third Party Defendant, above named, and requests that all further service of papers and pleadings herein be made upon him at the address below stated.

**DATED** this 28th day of December, 1988.



Alvin D. Mayhew, Jr.  
1016 Main Street  
Sumner, WA 98390  
(206) 863-2286

ALVIN D. MAYHEW, JR., INC., P.S.  
ATTORNEYS AT LAW  
1016 MAIN STREET  
SUMNER, WA  
98390  
(206) 863-2286

In the Superior Court of the State of Washington,

In and For the County of King

Sandy Ehrlich, et al.,

Plaintiff

v.

Ralph Alskog, et al.,

Defendant

CONSOLIDATED TRACK ONE  
CAUSE NO. 86-2-18176-8  
No. 86-2-18429-5

NOTICE OF ORAL EXAMINATION  
BEFORE TRIAL

FILED  
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CLERK

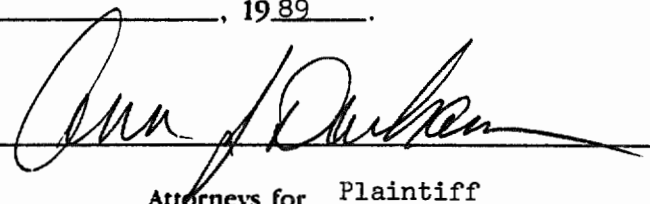
To: All Parties

and to: Their Respective Counsel

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the testimony of Ralph Alskog, the Defendant above named will be taken on Oral Examination Before Trial at the instance and request of the Plaintiff in the above entitled and numbered action, before Jan Serra Notary Public, or some other Notary Public at 1620 Key Tower, 1000 Second Avenue Seattle, Washington, on Monday, the 6th day of February, 19 89, commencing at the hour of 9:30 o'clock, A M., on that day; the said Oral Examination of said witness at said time and place to be subject to continuance or adjournment from time to time or place to place until completed.

This testimony upon oral examination will be taken on the ground and for the reason the said person is a party to or a witness in the above entitled action, and will give evidence material to the establishment of the Plaintiff's case.

DATED this 4th day of January, 19 89.

  
Attorneys for Plaintiff

Office and Post Office Address:

Seattle, Washington.

Adler Giersch, P.S.  
1621 Smith Tower  
506 Second Avenue  
Seattle, WA. 98104

JAN W. SERRA & ASSOCIATES, COURT REPORTERS

316 Occidental Ave. S. Suite 316

Seattle, Wa. 98104

(206) 622-6013

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER, et vir.,  
et al.,

Plaintiffs,

v.

DONALD LEE BARNETT, et ux.,  
et al.,

Defendants.

Consolidated

No. 86-2-18176-8

AFFIDAVIT OF SERVICE  
BY MAIL

SANDY EHRLICH, et vir., et  
al.,

Plaintiffs,

v.

RALPH ALSKOG, et ux., et  
al.,

Defendants.

MAUREEN P. JORGENSEN,

Plaintiff,

v.

AFFIDAVIT OF SERVICE  
BY MAIL - 1

ORIGINAL

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98101  
(206) 623-7580

1 COMMUNITY CHAPEL AND BIBLE )  
2 TRAINING CENTER, et al., )

3 Defendants. )

4 AMERICAN CASUALTY COMPANY OF )  
5 READING PENNSYLVANIA, a )  
6 Pennsylvania corporation, )

7 Plaintiff, )

8 v. )

9 KATHY LEE BUTLER, et al., )

10 Defendants. )

11 ST. PAUL FIRE AND MARINE )  
12 INSURANCE COMPANY, a foreign )  
13 corporation, )

14 Plaintiff, )

15 v. )

16 KATHY LEE BUTLER, et al., )

17 Defendants. )

18 I, Kristi L. deRham duly sworn on oath deposes and says:

19 That I am a citizen of the United States and a resident of  
20 the State of Washington, over the age of twenty-one years and  
21 not a party to this action; that on the 5th day of January,  
22 1989 I caused a copy of Jorgensen's Response to American  
23 Casualty's Supplemental Memorandum in Support of Motion for  
24 Summary Judgment to be deposited in the United States Mail in  
25 an envelope with first class postage prepaid, addressed to each  
26

AFFIDAVIT OF SERVICE  
BY MAIL - 2

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

12P.05L

1 of the parties listed on Exhibit A attached hereto.

*Kristi L. deRham*

Kristi L. deRham

2  
3  
4  
5 SIGNED AND SWORN to before me this 5th day of January,  
6 1989 by Kristi L. deRham.

*Shirli A. Simmons*  
NOTARY PUBLIC  
My Commission Expires: 10-10-89



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AFFIDAVIT OF SERVICE  
BY MAIL - 3

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104 7011  
(206) 623-7580

12P.05L

EXHIBIT A

1  
2 Donald Hall  
3 P. O. Box 168  
4 Big Fork, Montana 59911  
5 Pro Se - Plaintiff

6 Carl A. Peterson  
7 710 Cedar Street  
8 Muscatine, Iowa 52761  
9 Pro Se - Plaintiff  
10  
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AFFIDAVIT OF SERVICE  
BY MAIL - 4

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

FILED  
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CLERK OF COURT  
SUPERIOR COURT  
KING COUNTY

CIVIL TRACK ONE  
THE HONORABLE GARY LITTLE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, et ux., et al., )

Plaintiffs, )

v. )

DONALD LEE BARNETT, et ux., et )  
al., )

Defendants. )

CONSOLIDATED/TRACK ONE

NO. 86-2-18176-8

PLAINTIFFS BUTLER, ET AL.,  
EXPERT WITNESS LIST

SANDY ERLICH, et ux., et al., )

Plaintiffs, )

v. )

RALPH ALSKOG, et ux., et al., )

Defendants. )

MAUREEN PANGBORNE, )

Plaintiff, )

v. )

DONALD LEE BARNETT, et ux., et )  
al., )

Defendants. )

Handwritten signature and number 2255

1 ST. PAUL FIRE AND MARINE )  
2 INSURANCE COMPANY, a foreign cor- )  
3 poration, )

4 Plaintiff, )

5 v. )

6 KATHY LEE BUTLER, et al., )

7 Defendants. )  
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Pursuant to the agreed order for pre-trial discovery, Plaintiffs Butler, et al., hereby submit their list of expert witnesses.

Plaintiffs Butler, et al., reserve the right to supplement this list if further discovery warrants.

EXPERT WITNESSES

NAME AND ADDRESS

WITNESS FOR

Ronald Enroth, PhD  
955 LaPaz Road  
Santa Barbara, Ca. 93108

All Plaintiffs

Margaret T. Singer, PhD  
17 El Camino Real  
Berkeley, Ca. 94705

All Plaintiffs

Philip Lindsay, M.D.  
901 Boren, Suite 1329  
Seattle, Washington 98104

All Plaintiffs

DATED THIS 3rd day of January, 1989.

KARGIANIS, AUSTIN & ERICKSON

BY:

  
JEFFERY M. CAMPICHE

Of Attorneys for Butler, et al.

1999 JUL 16 10 48 04

RECEIVED  
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER, et vir.,  
et al.,

Plaintiffs,

v.

DONALD LEE BARNETT, et ux.,  
et al.,

Defendants.

Consolidated

No. 86-2-18176-8

NOTICE OF DEPOSITION  
UPON ORAL EXAMINATION  
OF DONALD BARNETT

SANDY EHRLICH, et vir., et  
al.,

Plaintiffs,

v.

RALPH ALSKOG, et ux., et  
al.,

Defendants.

MAUREEN P. JORGENSEN,

Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE  
TRAINING CENTER, et al.,

Defendants.

NOTICE OF DEPOSITION - 1

ORIGINAL

*276*  
LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580



1 AMERICAN CASUALTY COMPANY OF )  
2 READING PENNSYLVANIA, a )  
3 Pennsylvania corporation, )

4 Plaintiff, )

5 v. )

6 KATHY LEE BUTLER, et al., )

7 Defendants. )

8 ST. PAUL FIRE AND MARINE )  
9 INSURANCE COMPANY, a foreign )  
corporation, )

10 Plaintiff, )

11 v. )

12 KATHY LEE BUTLER, et al., )

13 Defendants. )

14 TO: ALL PARTIES

15 AND TO: Their Counsel of Record.

16 YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the  
17 testimony of Defendant, DONALD BARNETT, will be taken upon oral  
18 examination before a Notary Public at the offices of Preston,  
19 Thorgrimson, Ellis & Holman, Floor 52, 5400 Columbia Seafirst  
20 Center, 701 Fifth Avenue, Seattle, Washington, 98104-7011, on  
21 February 13, 14, 15, 16 and 17, 1989, commencing at the hour of  
22 9:30 a.m.; the said oral examination to be subject to  
23 continuance or adjournment from time to time or place to place  
24 until completed, and to be taken on the ground and for the  
25 reason that said witness will give evidence material to the  
26

NOTICE OF DEPOSITION - 2


LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

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establishment of the plaintiff's case.

DATED this 10th day of January, 1989.

PRESTON, THORGRIMSON,  
ELLIS & HOLMAN

By   
\_\_\_\_\_  
Susan Delanty Jones  
Catherine D. Shaffer  
Attorney for Plaintiff  
Maureen P. Jorgensen

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SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER, et vir.,  
et al.,

Plaintiffs,

v.

DONALD LEE BARNETT, et ux.,  
et al.,

Defendants.

Consolidated

No. 86-2-18176-8

NOTICE OF DEPOSITION  
UPON ORAL EXAMINATION  
OF BARBARA BARNETT

SANDY EHRLICH, et vir., et  
al.,

Plaintiffs,

v.

RALPH ALSKOG, et ux., et  
al.,

Defendants.

MAUREEN P. JORGENSEN,

Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE  
TRAINING CENTER, et al.,

Defendants.

NOTICE OF DEPOSITION - 1

ORIGINAL

227 v  
LAW OFFICES OF  
PRESTON, THORGRINSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

1 AMERICAN CASUALTY COMPANY OF )  
2 READING PENNSYLVANIA, a )  
3 Pennsylvania corporation, )

4 Plaintiff, )

5 v. )

6 KATHY LEE BUTLER, et al., )

7 Defendants. )

8 ST. PAUL FIRE AND MARINE )  
9 INSURANCE COMPANY, a foreign )  
corporation, )

10 Plaintiff, )

11 v. )

12 KATHY LEE BUTLER, et al., )

13 Defendants. )

14 TO: ALL PARTIES

15 AND TO: Their Counsel of Record.

16 YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the  
17 testimony of Defendant, BARBARA BARNETT, will be taken upon oral  
18 examination before a Notary Public at the offices of Preston,  
19 Thorgrimson, Ellis & Holman, Floor 52, 5400 Columbia Seafirst  
20 Center, 701 Fifth Avenue, Seattle, Washington, 98104-7011, on  
21 February 7, 8 and 9, 1989, commencing at the hour of 9:30 a.m.;  
22 the said oral examination to be subject to continuance or  
23 adjournment from time to time or place to place until completed,  
24 and to be taken on the ground and for the reason that said  
25 witness will give evidence material to the establishment of the  
26

NOTICE OF DEPOSITION - 2

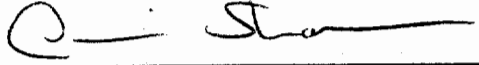
LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

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plaintiff's case.

DATED this 10 day of January, 1989.

PRESTON, THORGRIMSON,  
ELLIS & HOLMAN

By   
Susan Delanty Jones  
Catherine D. Shaffer  
Attorney for Plaintiff  
Maureen P. Jorgensen

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER, et vir.,  
et al.,

Plaintiffs,

v.

DONALD LEE BARNETT, et ux.,  
et al.,

Defendants.

Consolidated

No. 86-2-18176-8

AFFIDAVIT OF SERVICE  
BY MAIL

SANDY EHRLICH, et vir., et  
al.,

Plaintiffs,

v.

RALPH ALSKOG, et ux., et  
al.,

Defendants.

MAUREEN P. JORGENSEN,

Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE  
TRAINING CENTER, et al.,

AFFIDAVIT OF SERVICE  
BY MAIL - 1

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

ORIGINAL

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Defendants. )

AMERICAN CASUALTY COMPANY OF  
READING PENNSYLVANIA, a  
Pennsylvania corporation,

Plaintiff, )

v. )

KATHY LEE BUTLER, et al., )

Defendants. )

ST. PAUL FIRE AND MARINE  
INSURANCE COMPANY, a foreign  
corporation,

Plaintiff, )

v. )

KATHY LEE BUTLER, et al., )

Defendants. )

I, Kristi L. deRham duly sworn on oath deposes and says:

That I am a citizen of the United States and a resident of  
the State of Washington, over the age of twenty-one years and  
not a party to this action; that on the 6th day of January,  
1989, I caused a copy of the Notice of Deposition upon Oral  
Examination of Donald Barnett, and Notice of Deposition upon  
Oral Examination of Barbara Barnett to be deposited in the  
United States Mail in an envelope with first class postage  
prepaid, addressed to each of the parties listed on Exhibit A

AFFIDAVIT OF SERVICE  
BY MAIL - 2

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

12P.05L

attached hereto.

*Kristi L. deRham*  
Kristi L. deRham

SIGNED AND SWORN to before me this 6th day of January,  
1989, by Kristi L. deRham.

*Shirley A. Simmons*  
NOTARY PUBLIC  
My Commission Expires: 10-10-89



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AFFIDAVIT OF SERVICE  
BY MAIL - 3

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580



EXHIBIT A

1  
2  
3 Michael J. Bond, Esquire  
4 Lee, Smart, Cook,  
5 Martin & Patterson  
6 800 Washington Building  
7 1325 Fourth Avenue  
8 Seattle, WA 98104  
9 Attorney for Defendant  
10 Community Chapel and Bible  
11 Training Center  
12

13  
14 Jim Messina, Esquire  
15 Molly McCarty, Legal Assistant  
16 Messina & Duffy  
17 200 Benjamin Franklin Building  
18 4002 Tacoma Mall Blvd.  
19 Tacoma, WA 98409  
20 Attorneys for Plaintiffs  
21 Ehrlich, Lemke, Chabot,  
22 Kitchell  
23

24  
25 Richard H. Adler, Esquire  
26 Ann J. Durham, Esquire  
Adler Giersch  
401 Second Avenue South, Suite 600  
Seattle, WA 98104  
Attorneys for Plaintiffs  
Ehrlich, Lemke, Chabot,  
Kitchell

18  
19 Jack G. Rosenow, Esquire  
20 Rosenow, Hale & Johnson  
21 301 Tacoma Mall Office Bldg.  
22 4301 South Pine Street  
23 Tacoma, WA 98409  
24 Attorney for Defendants Alskog  
25

26  
27 Rodney D. Hollenbeck, Esquire  
28 Evans, Craven & Lackie, P. S.  
29 3100 Columbia Seafirst Center  
30 701 Fifth Avenue  
31 Seattle, WA 98104  
32 Attorney for Defendants Barnett  
33

AFFIDAVIT OF SERVICE  
BY MAIL - 4

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

12P.05L

1 John C. Graffe, Esquire  
2 Rosenow, Hale & Johnson  
3 1620 Key Tower  
4 1000 Second Avenue  
5 Seattle, WA 98104  
6 Attorney for Defendants Alskog

7 Bruce Winchell, Esquire  
8 Lane, Powell, Moss & Miller  
9 3800 Rainier Tower  
10 1301 Fifth Avenue  
11 Seattle, WA 98101  
12 Attorney for American Casualty  
13 Company

14 Don M. Gulliford, Esquire  
15 Don M. Gulliford & Associates  
16 2200 - 112th Avenue Northeast, #200  
17 Bellevue, WA 98004  
18 Attorney for Plaintiff  
19 St. Paul Fire and Marine  
20 Insurance Company

21 Pauline V. Smetka, Esquire  
22 Helsell, Fetterman, Martin,  
23 Todd & Hokanson  
24 1500 Washington Building  
25 P. O. Box 21846  
26 Seattle, WA 98111  
Attorney for Defendants Alskog

Michael W. Bugni, Esquire  
Moren, Cornell & Hansen  
Roosevelt-Pinehurst Building  
11320 Roosevelt Way N.E.  
Seattle, WA 98125  
Attorney for Defendants Howerton

George Kargianis, Esquire  
Jeff Campiche, Esquire  
Kargianis, Austin & Erickson  
4700 Columbia Seafirst Center  
701 Fifth Avenue  
Seattle, Washington 98104  
Attorneys for Plaintiffs  
Butler, Lien, Brown, Fellhauer

AFFIDAVIT OF SERVICE  
BY MAIL - 5

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7560

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John S. Glassman  
Attorney at Law  
420 Old City Hall  
625 Commerce Street  
Tacoma, WA 98402  
Attorney for Defendant  
Community Chapel and  
Bible Training Center

Donald Hall  
P. O. Box 168  
Big Fork, Montana 59911  
Pro Se - Plaintiff

Carl A. Peterson  
710 Cedar Street  
Muscatine, Iowa 52761  
Pro Se - Plaintiff

AFFIDAVIT OF SERVICE  
BY MAIL - 6

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7560

SCOMIS code:

PREHRG     DISPHRG     HEARING  
 POSTHRG     MINUTE     STTLCNF

Department No. 25  
Date: January 6, 1989  
Page 1 of 2

JUDGE: John W. Riley  
BAILIFF: Beth Custer  
COURT CLERK: Melissa Keating  
REPORTER: Victoria Raccagno

King County Cause No. 88-2-18321-0  
88-2-04615-8  
86-2-26360-8  
86-2-18429-5  
86-2-18176-8  Consolidated  
87-2-14919-6

Case Caption

Kathy Lee Butler et al vs. Donald Barnett et al

Litigants and attorneys

Michael Bond for Defendant CCBTC, Bruce Winchell for Plaintiff American Casualty, Jeff Campiche for Plaintiff Butler, Susan Jones for Plaintiff Jorgenson, Ann Durham for Plaintiff Ehrlich, John Graffe for Defendant Alstoa, John Glassman for Defendant CCBTC, Tim Donaldson for Defendant Barnett, and Don Gulliford for Plaintiff St. Paul Fire and Marine

Minute Entry

Plaintiff American Casualty Company motion for partial summary judgment.

Respective Counsel make oral argument.

The Court denies the motion without prejudice.

Respective Counsel discuss scheduling problems. The Court orders that if Respective Counsel are unable to agree, this matter shall be resolved on January 13, 1989 at 3:30 p.m.

sub #

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chr



SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

AMERICAN CASUALTY COMPANY OF  
READING PENNSYLVANIA, a  
Pennsylvania corporation,

Plaintiff,

v.

KATHY LEE BUTLER, et al,

Defendants.

CAUSE No. 88-2-04615-8

CONSOLIDATED TRACK ONE  
CAUSE NO. 86-2-18176-8

ORDER

KATHY LEE BUTLER, et al.,

Plaintiffs,

v.

DONALD LEE BARNETT, et al.,

Defendants.

CAUSE NO. ~~86-2-18176-8~~

SANDY EHRLICH, et al.,

Plaintiffs,

v.

RALPH ALSKOG, et al.,

Defendants.

CAUSE NO. 86-2-18429-5

ORDER - 1  
0322BAW

CIVIL TRACK I

ORIGINAL

*230*  
*JP*  
LANE POWELL MOSS & MILLER  
3800 RAINIER BANK TOWER  
1301 FIFTH AVENUE  
SEATTLE, WASHINGTON 98101-2647  
(206) 223 7000

1 MAUREEN PANGBORNE JORGENSEN, )

2 Plaintiff, )

CAUSE NO. 86-2-26360-8

3 v. )

4 COMMUNITY CHAPEL AND BIBLE )  
5 TRAINING CENTER, et al., )


6 Defendants. )  
7 \_\_\_\_\_ )

8  
9 The court has considered the motion of American Casualty to  
10 amend its complaint for declaratory judgment to name additional  
11 parties. It has considered the motion to amend and following  
12 materials submitted by other parties: none

13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 The Court has also heard argument from counsel.

17 The Court orders that American Casualty be permitted to  
18 amend its complaint to add the additional parties named in the  
19 form of complaint for declaratory judgment attached to  
20 American's motion.

21 DATED this 22 day of December 1988.

22  
23   
24 JUDGE/COURT COMMISSIONER

25 ORDER - 2  
26 0322BAW

LANE POWELL MOSS & MILLER  
3800 RAINIER BANK TOWER  
1301 FIFTH AVENUE  
SEATTLE, WASHINGTON 98101 2647  
12061 223 7000

CIVIL TRACK ONE  
THE HONORABLE JOHN W. RILEY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, et. ux.,  
et. al.,

Plaintiffs,

v.

DONALD LEE BARNETT, et. ux.,  
et. al.,

Defendants,  
Third Party Plaintiffs,

v.

GARY LIEN,

Third Party Defendant.

---

SANDY EHRLICH, et. ux., et. al.,

Plaintiffs,

v.

RALPH ALSKOG, et. ux., et. al.,

Defendants.

---

MAUREEN P. JORGENSEN,

Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE  
TRAINING CENTER, et. al.,

Defendants.

CONSOLIDATED/TRACK ONE  
NO. 86-2-18176-8

CERTIFICATE OF MAILING

CERTIFICATE OF SERVICE : 1  
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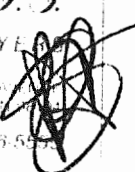
*Erans, Crown & Lachis, P.S.*

LAWYER

WALL STREET CENTER AT SEATTLE  
SEATTLE, WASHINGTON

(206) 386-5111

232





1 THE UNDERSIGNED declares under penalty of perjury that on  
2 January 17, 1989, I mailed a copy of the attached Notice of  
3 Depositions (re Kitchells) to the following counsel, postage  
4 prepaid:

5 Susan Delanty Jones  
6 Preston Thorgrimson Ellis & Holman  
7 5400 Columbia Center  
8 701 Fifth Avenue  
9 Seattle WA 98104-7011  
Attorney for Jorgensen

10 Michael Bond  
11 Lee Smart Cook Martin & Patterson  
12 800 Washington Building  
13 Seattle WA 98101  
Attorney for CCBTC

14 George Kargianis/Jeff Campiche  
15 Kargianis Austin & Erickson  
16 701 Fifth Avenue, #4700  
17 Seattle, WA 98104  
Attorneys for Plf. Butler, et al.

18 Richard Adler/Ann Durham  
19 Adler Giersch & Read  
20 401 Second Avenue South, #600  
21 Seattle, WA 98104  
Attorneys for Plf. Ehrlich, et al.

22 John Messina, Esq.  
23 Messina & Duffy  
24 4002 Tacoma Mall Blvd. #200  
25 Tacoma, WA 98409  
Co-Counsel for Plf. Ehrlich, et al.

26 Michael W. Bugni  
27 Moren Cornell & Hansen  
28 Roosevelt-Pinehurst Building  
29 11320 Roosevelt Way NE  
30 Seattle, WA 98125  
31 Attorney for Def. Howerton

32 CERTIFICATE OF SERVICE : 2  
15004789.COS

*Evans, Craven & Lachie, P.S.*

LAWYERS

2000 4th Avenue, Suite 1100, Seattle, WA 98101  
206 461-1111

(206) 386-5555

1  
2  
3 Jack Rosenow/John C. Graffe  
4 Rosenow Hale & Johnson  
5 #301 Tacoma Mall Blvd.  
6 2000 Tacoma Mall  
7 Tacoma, WA 98409  
8 Attorneys for Def. Alskog

9  
10 Pauline V. Smetka  
11 Helsell Fetterman  
12 1500 Washington Building  
13 1325 Fourth Avenue  
14 Seattle, WA 98111  
15 Co-Counsel for Def. Alskog

16  
17 Bruce Winchell  
18 Lane Powell Moss & Miller  
19 3800 Rainier Bank Tower  
20 Seattle, WA 98101-2647  
21 Attorney for American Casualty

22  
23 John S. Glassman  
24 420 Old City Hall  
25 625 Commerce St.  
26 Tacoma, WA 98402  
27 Attorney for CCBTC

28  
29 Don M. Gulliford  
30 2200 - 112th Ave. NE  
31 Bellevue, WA 98004  
32 Attorney for St. Paul Ins. Co.

Alvin D. Mayhew, Jr.  
1016 Main Street  
Sumner, WA 98390  
Attorney for Third Party  
Defendant Gary Lien

  
Kathleen M. Wales

CERTIFICATE OF SERVICE : 3  
15004789.COS

*Evans, Craven & Luckie, P.S.*  
LAWYERS

1000 10TH AVENUE CENTER SUITE 1000  
SEATTLE WASHINGTON 98101

(206) 386-5555

CIVIL TRACK ONE  
THE HONORABLE JOHN W. RILEY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, et. ux.,  
et. al.,

Plaintiffs,

v.

DONALD LEE BARNETT, et. ux.,  
et. al.,

Defendants,  
Third Party Plaintiffs,

v.

GARY LIEN,

Third Party Defendant.

---

SANDY EHRLICH, et. ux., et. al.,

Plaintiffs,

v.

RALPH ALSKOG, et. ux., et. al.,

Defendants.

---

MAUREEN P. JORGENSEN,

Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE  
TRAINING CENTER, et. al.,

Defendants.

DEP. NOT.  
15004789.NOD

CONSOLIDATED/TRACK ONE  
NO. 86-2-18176-8

NOTICE OF DEPOSITIONS UPON  
ORAL EXAMINATION OF  
CATHERINE KITCHELL,  
WENDY KITCHELL AND  
RONALD KITCHELL

233

*Evans, Craven & Luchie, P.S.*

LAWYERS

1001 3RD AVENUE, SUITE 1000, SEATTLE, WASHINGTON 98101

(206) 386-5445

1  
2 TO: All Parties; and  
3 TO: All Counsel:

4 YOU ARE HEREBY NOTIFIED that the testimony of CATHERINE  
5 KITCHELL, WENDY KITCHELL AND RONALD KITCHELL will be taken at the  
6 instance and request of defendants Barnett in the above action,  
7 subject to continuance or adjournment from time to time or place  
8 to place until completed and to be taken on the ground and for  
9 the reason that said witnesses will give evidence material to the  
10 establishment of the parties' case; said depositions to be held  
11 as follows:

12 CATHERINE KITCHELL: TUESDAY, FEBRUARY 21, 1989,  
13 at 2:00 P.M.; and continuing on  
14 WEDNESDAY, FEBRUARY 22, 1989,  
15 at 9:30 A.M. until completed.

16 WENDY KITCHELL: WEDNESDAY, FEBRUARY 22, 1989,  
17 at the completion of Catherine  
18 Kitchell's deposition

19 RONALD KITCHELL: THURSDAY, FEBRUARY 23, 1989,  
20 at 9:30 A.M.

21 PLACE: #3100 Columbia Center, 701 Fifth Ave., Seattle, WA

22 DATED: January 17, 1989.

23 EVANS CRAVEN & LACKIE, P.S.

24 By Richard D. Hollaback  
25 JAMES S. CRAVEN  
26 Attorneys for Defendants Barnett  
27  
28  
29  
30

31 DEP. NOT.  
32 15004789.NOD

*Evans, Craven & Lackie, P.S.*

LAWYERS

3100 COLUMBIA CENTER, 701 5TH AVENUE  
SEATTLE, WASHINGTON 98104

(206) 386-5555

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER, et vir., )  
et al., )

Plaintiffs, )

v. )

DONALD LEE BARNETT, et ux., )  
et al., )

Defendants. )

Consolidated

No. 86-2-18176-8

AFFIDAVIT OF SERVICE  
BY MAIL

SANDY EHRLICH, et vir., et )  
al., )

Plaintiffs, )

v. )

RALPH ALSKOG, et ux., et )  
al., )

Defendants. )

MAUREEN P. JORGENSEN, )

Plaintiff, )

v. )

COMMUNITY CHAPEL AND BIBLE )

AFFIDAVIT OF SERVICE  
BY MAIL - 1

ORIGINAL

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

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TRAINING CENTER, et al.,	)
Defendants.	)
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AMERICAN CASUALTY COMPANY OF	)
READING PENNSYLVANIA, a	)
Pennsylvania corporation,	)
Plaintiff,	)
v.	)
KATHY LEE BUTLER, et al.,	)
Defendants.	)
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ST. PAUL FIRE AND MARINE	)
INSURANCE COMPANY, a foreign	)
corporation,	)
Plaintiff,	)
v.	)
KATHY LEE BUTLER, et al.,	)
Defendants.	)

I, Kristi L. deRham duly sworn on oath deposes and says:  
That I am a citizen of the United States and a resident of  
the State of Washington, over the age of twenty-one years and  
not a party to this action; that on the 19th day of January,  
1989, I caused a copy of the Plaintiff Maureen Jorgensen's  
Expert Witness List to be deposited in the United States Mail  
in an envelope with first class postage prepaid, addressed to

AFFIDAVIT OF SERVICE  
BY MAIL - 2

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

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each of the parties listed on Exhibit A attached hereto.

*Kristi L. deRham*  
Kristi L. deRham

SIGNED AND SWORN to before me this 19th day of January,  
1989, by Kristi L. deRham.

*Shirley A. Simmons*  
NOTARY PUBLIC  
My Commission Expires: 10-10-89



AFFIDAVIT OF SERVICE  
BY MAIL - 3

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

## EXHIBIT A

1  
2  
3 Michael J. Bond, Esquire  
4 Lee, Smart, Cook,  
5 Martin & Patterson  
6 800 Washington Building  
7 1325 Fourth Avenue  
8 Seattle, WA 98104  
9 Attorney for Defendant  
10 Community Chapel and Bible  
11 Training Center  
12

13  
14 Jim Messina, Esquire  
15 Molly McCarty, Legal Assistant  
16 Messina & Duffy  
17 200 Benjamin Franklin Building  
18 4002 Tacoma Mall Blvd.  
19 Tacoma, WA 98409  
20 Attorneys for Plaintiffs  
21 Ehrlich, Lemke, Chabot,  
22 Kitchell  
23

24  
25 Richard H. Adler, Esquire  
26 Ann J. Durham, Esquire  
Adler Giersch  
401 Second Avenue South, Suite 600  
Seattle, WA 98104  
Attorneys for Plaintiffs  
Ehrlich, Lemke, Chabot,  
Kitchell

19  
20 Jack G. Rosenow, Esquire  
21 Rosenow, Hale & Johnson  
22 301 Tacoma Mall Office Bldg.  
23 4301 South Pine Street  
24 Tacoma, WA 98409  
25 Attorney for Defendants Alskog  
26

23  
24 Rodney D. Hollenbeck, Esquire  
25 Evans, Craven & Lackie, P. S.  
26 3100 Columbia Seafirst Center  
701 Fifth Avenue  
Seattle, WA 98104  
Attorney for Defendants Barnett

AFFIDAVIT OF SERVICE  
BY MAIL - 4

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580



1 John C. Graffe, Esquire  
2 Rosenow, Hale & Johnson  
3 1620 Key Tower  
4 1000 Second Avenue  
5 Seattle, WA 98104  
6 Attorney for Defendants Alskog

7 Bruce Winchell, Esquire  
8 Lane, Powell, Moss & Miller  
9 3800 Rainier Tower  
10 1301 Fifth Avenue  
11 Seattle, WA 98101  
12 Attorney for American Casualty  
13 Company

14 Don M. Gulliford, Esquire  
15 Don M. Gulliford & Associates  
16 2200 - 112th Avenue Northeast, #200  
17 Bellevue, WA 98004  
18 Attorney for Plaintiff  
19 St. Paul Fire and Marine  
20 Insurance Company

21 Pauline V. Smetka, Esquire  
22 Helsell, Fetterman, Martin,  
23 Todd & Hokanson  
24 1500 Washington Building  
25 P. O. Box 21846  
26 Seattle, WA 98111  
Attorney for Defendants Alskog

Michael W. Bugni, Esquire  
Moren, Cornell & Hansen  
Roosevelt-Pinehurst Building  
11320 Roosevelt Way N.E.  
Seattle, WA 98125  
Attorney for Defendants Howerton

George Kargianis, Esquire  
Jeff Campiche, Esquire  
Kargianis, Austin & Erickson  
4700 Columbia Seafirst Center  
701 Fifth Avenue  
Seattle, Washington 98104  
Attorneys for Plaintiffs  
Butler, Lien, Brown, Fellhauer

AFFIDAVIT OF SERVICE  
BY MAIL - 5

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

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John S. Glassman  
Attorney at Law  
420 Old City Hall  
625 Commerce Street  
Tacoma, WA 98402  
Attorney for Defendant  
Community Chapel and  
Bible Training Center

Donald Hall  
P. O. Box 168  
Big Fork, Montana 59911  
Pro Se - Plaintiff

Carl A. Peterson  
710 Cedar Street  
Muscatine, Iowa 52761  
Pro Se - Plaintiff

AFFIDAVIT OF SERVICE  
BY MAIL - 6

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

WASHINGTON )  
OF KING ) SS  
AFFIDAVIT  
OF MAILING  
I, undersigned, being first duly sworn, on oath, state:  
That on the day affiant deposited in the mails of the United States  
of America a properly stamped and addressed envelope directed  
to the attorneys of record of plaintiff, defendant, containing a copy  
of the document to which this affidavit is attached.

Subscribed and sworn to before me this 19 day of January 1990

*[Signature]*  
Notary Public in and for the State of  
Washington, residing at Seattle

*com of 09/24/90.*

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, et ux., et al., )  
Plaintiffs, )

v. )

DONALD LEE BARNETT, et ux., et )  
al., )  
Defendants. )

CONSOLIDATED/TRACK ONE

NO. 86-2-18176-8

SANDY ERLICH, et ux., et al., )  
Plaintiffs, )

v. )

RALPH ALSKOG, et ux., et al., )  
Defendants. )

PLAINTIFFS BUTLER, ET UX,  
ET AL.'S OBJECTION TO  
PROPOSED WITHDRAWAL OF  
ATTORNEYS FOR COMMUNITY  
CHAPEL & BIBLE TRAINING  
CENTER (CCBTC)

MAUREEN PANGBORNE JORGENSON, )  
Plaintiff, )

v. )

DONALD LEE BARNETT, et ux., et )  
al., )  
Defendants. )

AMERICAN CASUALTY INSURANCE COM- )  
PANY OF PENNSYLVANIA, )  
Plaintiff, )

vs. )

KATHY BUTLER, et ux, et al., )  
PLAINTIFFS BUTLER, ET UX, ET AL.'S )  
OBJECTION TO PROPOSED WITHDRAWAL )  
OF ATTORNEYS FOR COMMUNITY CHAPEL )  
& BIBLE TRAINING CENTER (CCBTC) - )

*235*  
*JH*

1 Defendants. )  
2 )

3 ST. PAUL FIRE AND MARINE )  
4 INSURANCE COMPANY, a foreign cor- )  
5 poration, )

6 Plaintiff, )

7 v. )

8 KATHY LEE BUTLER, et al., )

9 Defendants. )  
10 )

11 COMES NOW Plaintiffs Butler, et ux, et al., by and through  
12 their attorneys of record, Jeffery M. Campiche and Kargianis, Aus-  
13 tin & Erickson and hereby object to the proposed withdrawal of  
14 attorneys for the Community Chapel & Bible Training Center  
15 (hereinafter referred to as "CCBTC") received on January 18, 1989  
16 with a proposed withdrawal date of January 28, 1989.

17 This Motion is based upon the requirements of CR 71 and the  
18 following issues:

19 1. No mention of the anticipated trial date was made in the  
20 proposed Notice of Withdrawal per CR 71 (c)(1), which is  
21 anticipated to be May - July, 1989.

22 2. No substitute counsel has been designated and without such  
23 substituted counsel, the possibilities for continuing delay are  
24 likely, especially with a discovery schedule in place and with  
25 party's depositions scheduled (specifically but not limited to

26 **PLAINTIFFS BUTLER, ET UX, ET AL.'S  
OBJECTION TO PROPOSED WITHDRAWAL  
OF ATTORNEYS FOR COMMUNITY CHAPEL  
& BIBLE TRAINING CENTER (CCBTC) - Page 2**

1 those of Pastor Donald Lee Barnett and Barbara Barnett, named  
2 Defendants, which have been re-set several times) for February 7,  
3 1989 and continuing.

4 3. The withdrawal request is untimely given the nearness of  
5 the trial date. Mr. Bond is the second counsel to withdraw as  
6 attorneys for CCBTC, the first withdrawal having been by Mr.  
7 Michael Bugni in the Fall of 1987 (and who later appeared on behalf  
8 of Mr. Howerton, a defendant in the Ehrlich cause).

9 DATED this 18th day of January, 1989.

10 KARGIANIS, AUSTIN & ERICKSON

11   
12 By Jeffery M. Campiche  
13 Attorneys for Plaintiffs Butler  
14  
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25 PLAINTIFFS BUTLER, ET UX, ET AL.'S  
26 OBJECTION TO PROPOSED WITHDRAWAL  
OF ATTORNEYS FOR COMMUNITY CHAPEL  
& BIBLE TRAINING CENTER (CCBTC) - Page 3

LAW OFFICES  
KARGIANIS, AUSTIN & ERICKSON  
47TH FLOOR COLUMBIA CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7010  
(206) 624-5370

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER, et vir.,  
et al.,  
  
Plaintiffs,  
  
v.  
  
DONALD LEE BARNETT, et ux.,  
et al.,  
  
Defendants.

Consolidated  
  
No. 86-2-18176-8  
  
PLAINTIFF MAUREEN  
JORGENSEN'S EXPERT  
WITNESS LIST

SANDY EHRLICH, et vir., et  
al.,  
  
Plaintiffs,  
  
v.  
  
RALPH ALSKOG, et ux., et  
al.,  
  
Defendants.

MAUREEN P. JORGENSEN,  
  
Plaintiff,  
  
v.  
  
COMMUNITY CHAPEL AND BIBLE  
TRAINING CENTER, et al.,  
  
Defendants.

PLAINTIFF MAUREEN JORGENSEN'S  
EXPERT WITNESS LIST - 1

ORIGINAL

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

236  
AH

1 AMERICAN CASUALTY COMPANY OF )  
2 READING PENNSYLVANIA, a )  
3 Pennsylvania corporation, )

4 Plaintiff, )

5 v. )

6 KATHY LEE BUTLER, et al., )

7 Defendants. )

8 ST. PAUL FIRE AND MARINE )  
9 INSURANCE COMPANY, a foreign )  
corporation, )

10 Plaintiff, )

11 v. )

12 KATHY LEE BUTLER, et al., )

13 Defendants. )

14  
15 Pursuant to the Agreed Order for Pre-Trial Discovery in  
16 this consolidated case, plaintiff Maureen Jorgensen hereby  
17 submits her list of expert witnesses. Jorgensen reserves the  
18 right to supplement this list if further discovery warrants.

19 NAME and ADDRESS

20 Ronald Enroth, Ph.D.  
21 955 LaPaz Road  
Santa Barbara, CA 93108

22 S. Harvard Kaufman, M.D.  
23 710 10th East  
Seattle, Wa 98102

24 Eugene Silberberg, Ph.D.  
25 1107 N.E. 45th St., #415  
Seattle, WA 98105

26  
PLAINTIFF MAUREEN JORGENSEN'S  
EXPERT WITNESS LIST - 2

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

1 Margaret T. Singer, Ph.D.  
2 17 El Camino Real  
3 Berkley, CA 94705

4 DATED this 18 day of January, 1989.

5 PRESTON, THORGRIMSON,  
6 ELLIS & HOLMAN

7 By

*Susan Delanty Jones*  
8 Susan Delanty Jones  
9 Catherine D. Shaffer  
10 Attorneys for Plaintiff  
11 Maureen Jorgensen  
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PLAINTIFF MAUREEN JORGENSEN'S  
EXPERT WITNESS LIST - 3

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580



**FILED**  
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, and STEVEN L. BUTLER, wife and husband, and the marital community composed thereof; et al.,

Plaintiffs,

v.

DONALD LEE BARNETT and BARBARA BARNETT, husband and wife, and the marital community composed thereof; et al.,

Defendants.

SANDY EHRLICH and MICHAEL EHRLICH, wife and husband; et al.,

Plaintiffs,

v.

RALPH ALSKOG and ROSEMARY ALSKOG, husband and wife; et al.,

Defendants.

MAUREEN P. JORGENSEN,

Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE TRAINING CENTER, a Washington non profit corporation; et al.,

Defendants.

////////

NOTICE OF INTENT TO WITHDRAW - 1

**CIVIL TRACK I**

NO. 86-2-18176-8 ✓  
86-2-18429-5  
86-2-26360-8  
(consolidated)

NOTICE OF INTENT TO WITHDRAW

237

LEE, SMART, COOK, MARTIN & PATTERSON, P.S., INC.  
ATTORNEYS AT LAW  
800 WASHINGTON BUILDING  
1325 FOURTH AVENUE  
SEATTLE, WASHINGTON 98101  
(206) 624-7990 · FACSIMILE (206) 624-5944

1 TO: Clerk of the Court  
2 AND TO: All Parties and Their Counsel of Record

3 PLEASE TAKE NOTICE THAT Michael J. Bond and Lee, Smart,  
4 Cook, Martin & Patterson, P.S., Inc. intends to withdraw as attorneys  
5 of record for defendant Community Chapel and Bible Training Center as  
6 of January 28, 1989. This withdrawal shall be effective without Order  
7 of Court unless an objection to the withdrawal is served upon said  
8 withdrawing attorneys prior to the date set forth in this notice.

9 DATED this 16 day of January, 1989.

10 LEE, SMART, COOK, MARTIN &  
11 PATTERSON, P.S., INC.

12 By Michael J. Bond  
13 MICHAEL J. BOND

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER, et vir.,  
et al.,

Plaintiffs,

v.

DONALD LEE BARNETT, et ux.,  
et al.,

Defendants.

Consolidated

No. 86-2-18176-8

AFFIDAVIT OF SERVICE  
BY MAIL

SANDY EHRLICH, et vir., et  
al.,

Plaintiffs,

v.

RALPH ALSKOG, et ux., et  
al.,

Defendants.

MAUREEN P. JORGENSEN,

Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE

AFFIDAVIT OF SERVICE  
BY MAIL - 1

*Handwritten initials/signature*

ORIGINAL

LAW OFFICES OF  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
5400 COLUMBIA SEAFIRST CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7011  
(206) 623-7580

1 TRAINING CENTER, et al., )  
2 Defendants. )

3 \_\_\_\_\_ )  
4 AMERICAN CASUALTY COMPANY OF )  
5 READING PENNSYLVANIA, a )  
6 Pennsylvania corporation, )  
7 Plaintiff, )

8 v. )

9 KATHY LEE BUTLER, et al., )  
10 Defendants. )

11 \_\_\_\_\_ )  
12 ST. PAUL FIRE AND MARINE )  
13 INSURANCE COMPANY, a foreign )  
14 corporation, )  
15 Plaintiff, )

16 v. )

17 KATHY LEE BUTLER, et al., )  
18 Defendants. )

19 STATE OF WASHINGTON )  
20 : ss.  
21 COUNTY OF KING )

22 I, Kristi L. deRham duly sworn on oath deposes and says:

23 That I am a citizen of the United States and a resident of  
24 the State of Washington, over the age of twenty-one years and  
25 not a party to this action; that on the 24th day of January,  
26 1989, I caused a copy of Plaintiff Maureen Jorgensen's Objection  
to Proposed Withdrawal of Attorneys for Community Chapel and  
Bible Training Center to be deposited in the United States Mail  
in an envelope with first class postage prepaid, addressed to

AFFIDAVIT OF SERVICE  
BY MAIL - 2

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