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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

DONALD L. BARNETT)
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 Plaintiff,)
)
 v.)
)
 JACK A. HICKS, JACK H.)
 DuBOIS and E. SCOTT HARTLEY,)
 individually and as the)
 Board of Directors of)
 COMMUNITY CHAPEL AND BIBLE)
 TRAINING CENTER,)
)
 Defendants.)

NO. 88-2-04148-2

DECLARATION OF DONALD L. BARNETT IN ANSWER TO DECLARATION OF DAVID MOTHERWELL IN OPPOSITION TO BARNETT'S MOTION FOR SUMMARY JUDGMENT

I, Donald L. Barnett, declare:

1. I make this declaration to respond to some of the more important misstatements in David Motherwell's declaration of December 10 in opposition to my motion for summary judgment.

2. Paragraph 3 of Mr. Motherwell's declaration is false. The senior elders did not have the power to place individuals on special status or to disfellowship them unless the individual member and the senior elder had agreed that the senior elder would act as the individual's counselor. The senior elders were not automatically "counselors" to any member of the church. Before a senior elder could be a

DECLARATION OF DONALD L. BARNETT
IN ANSWER TO DECLARATION OF DAVID
MOTHERWELL IN OPPOSITION TO BARNETT'S
MOTION FOR SUMMARY JUDGMENT - 1

EDWARDS, SIEH, WIGGINS & HATHAWAY, P.S.
ATTORNEYS AT LAW
6501 COLUMBIA CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104
TELEPHONE 266-4201 1974

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1 counselor to a member of the church, the member and the elder
2 had to agree to enter into a counseling arrangement. I never
3 had any such counseling arrangement with defendants Hicks and
4 DuBois. At one time in the summer of 1987 I briefly entered
5 into a counseling relationship with defendant Hartley with
6 respect to my marital situation. However, I terminated that
7 counseling relationship in the summer of 1987. As of March
8 4, 1988, none of the senior elders were my counselors. David
9 Motherwell was my counselor.

10 3. Mr. Motherwell has completely misstated the nature
11 of the counseling at Community Chapel. Before the counseling
12 center was established, a member could go to any elder or the
13 pastor for counseling. As the church grew, we hired a
14 counselor. He supervised many voluntary counselors. At the
15 same time, people could still go to the elders for counseling.

16 4. There came a change when the counseling center was
17 established. At that point the policy was that there would
18 be no counseling except by counselors in the counseling
19 center. We had a significant problem with people going to
20 successive counselors trying to get advice they wanted to
21 hear. We did not want people getting different advice from
22 different counselors. For this reason, we consolidated all
23 counselors within the counseling center and coordinated
24 information among counselors. At this point, members were not
25 to go to an elder for counseling unless the elder was part of
26

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EDWARDS, SIEH, WIGGINS & HATHAWAY, P.S.
ATTORNEYS AT LAW
6501 COLUMBIA CENTER
301 FIFTH AVENUE
SEATTLE WASHINGTON 98104
TELEPHONE (206) 524 2974

1 the counseling center. This became the policy of Community
2 Chapel.

3 5. It is quite likely that the policy against going to
4 elders for counseling was not rigidly enforced. People had
5 gone to elders and senior elders in the past, and they may
6 have continued to do so, although I have no recollection of
7 such a situation.

8 6. A counselor could not just disfellowship a person.
9 First, there had to be an agreement between the counselor and
10 the member to undertake a counseling relationship. Second,
11 there had to be some counseling before action was taken by the
12 counselor. The counselor could not just hear about a problem
13 and then disfellowship the person. They had to work with the
14 person for a time.

15 7. Mr. Motherwell also incorrectly described the
16 practice of placing individuals on special status. Special
17 status was an intermediate step designed to allow a person to
18 continue in the fellowship of the church subject to
19 restrictions. To my knowledge, special status was always
20 imposed with the pastor's permission. Nothing in the Bylaws,
21 procedures or practice of Community Chapel permitted a
22 counselor to place a person on special status without
23 consulting with the pastor.

24 8. Paragraph 5 of Mr. Motherwell's affidavit falsely
25 describes what happened at my meeting with the 16 elders on
26

DECLARATION OF DONALD L. BARNETT
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MOTION FOR SUMMARY JUDGMENT - 3

EDWARDS, SIEH, WIGGINS & HATHAWAY, P.S.
ATTORNEYS AT LAW
6501 COLUMBIA CENTER
701 FIFTH AVENUE
SEATTLE WASHINGTON 98104
TELEPHONE (206) 624 0974

1 February 25, 1988. I did not place the blame for my conduct
2 on anyone else. I did criticize the elders for deviating from
3 their agreement with me that the hearings would be limited to
4 Jerry Zwack's specific grievances. I also criticized them for
5 singling me out from everyone else and treating me unfairly.
6 I believe that I spoke less than an hour, not two to three
7 hours as Mr. Motherwell states. I told the elders that I was
8 not through with all of the things I wished to say. It is
9 completely false to say that I did not want more time to state
10 my case. The Zwack hearings were supposed to continue the
11 following week, but they never did.

12 9. I cannot understand Mr. Motherwell's denial that
13 there was a show of hands in support of my remaining as pastor
14 at the February 28, 1988 worship service. Mr. Motherwell is
15 totally incorrect on this point, and I believe that the
16 evidence will bear me out.

17 I declare under penalty of perjury, under the laws of the
18 State of Washington, that the foregoing is true and correct.

19 DATED at _____ this ____ day of
20 December, 1990.

21
22 _____
23 DONALD L. BARNETT

24 NOTE: Faxed signature in possession of plaintiff's attorney. original
25 signature page will be substituted as soon as it becomes available.

26
DECLARATION OF DONALD L. BARNETT
IN ANSWER TO DECLARATION OF DAVID
MOTHERWELL IN OPPOSITION TO BARNETT'S
MOTION FOR SUMMARY JUDGMENT - 4

EDWARDS, SIEH, WIGGINS & HATHAWAY, P.S.
ATTORNEYS AT LAW
8501 COLUMBIA CENTER
701 FIFTH AVENUE
SEATTLE WASHINGTON 98104
TELEPHONE 206 624 6974