

EXPEDITE  
 No hearing set  
 Hearing is set  
 Date: February 2, 2012  
 Time: 9:00am  
 Judge/Calendar: Hon. Thomas  
McPhee

SUPERIOR COURT OF THE STATE OF WASHINGTON  
 THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

Case No. 11-2-01925-7

DECLARATION OF BRUCE E.H.  
 JOHNSON IN SUPPORT OF  
 DEFENDANTS' BRIEF OPPOSING  
 PLAINTIFFS' CROSS-MOTION FOR  
 DISCOVERY

I, Bruce E.H. Johnson, am over the age of 18, am competent to testify, and have personal knowledge of all the facts stated herein. I declare as follows:

1. I am a partner at the law firm Davis Wright Tremaine LLP, which represents Defendants in this case.

1           2.       Attached hereto as Exhibit A is a true and correct copy of a letter dated May 31,  
2 2011, which counsel for Plaintiffs sent to 15 past and present board members of the Co-op  
3 insisting that the Co-op rescind its boycott of Israeli products. The letter closed by threatening  
4 to “bring legal action against you, and this process will become considerably more  
5 complicated, burdensome, and expensive than it has already.”

6           3.       Attached hereto as Exhibit B are true and correct copies of 13-page discovery  
7 requests that Plaintiffs served, along with their complaint and summons, upon each of the 16  
8 defendants.

9           4.       Attached hereto as Exhibit C are true and correct copies of 16 notices of  
10 videotaped depositions—one for every named defendant—dated September 30, 2011.

11           5.       Due to the large volume of discovery requested by Plaintiffs at the outset of this  
12 case, and pursuant to RCW 4.24.525(5)(c), I called Plaintiffs’ counsel Robert Sulkin on the  
13 telephone to request a discovery stay. On October 3, 2011, during our telephone conversation,  
14 Mr. Sulkin and I agreed to stay discovery until the Court decided the anti-SLAPP motion.

15           6.       The following day, I sent Mr. Sulkin an email confirming our agreement to stay  
16 discovery until resolution of the anti-SLAPP motion. He responded: “We are on the same  
17 page.” Accordingly, Plaintiffs agreed to stay discovery until resolution of the anti-SLAPP  
18 motion. As a result of our agreement, the sixteen videotaped depositions did not take place and  
19 none of the Defendants were required to respond to any of the extensive discovery requests  
20 served upon them at the outset of the lawsuit.

21           7.       Attached hereto as Exhibit D is a true and correct copy of an email chain, dated  
22 October 4, 2011, reflecting the agreement between myself and counsel for Plaintiffs, Robert  
23 Sulkin, that the parties would stay all discovery in this case until the anti-SLAPP motion is  
24 resolved.

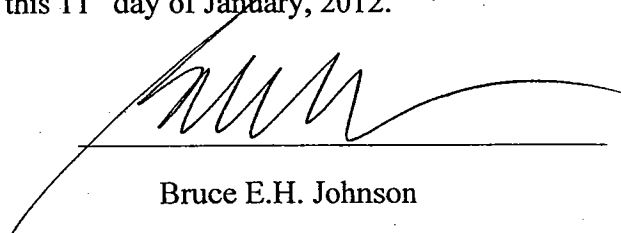
25           8.       On November 1, 2011, I spoke again with Mr. Sulkin. Defendants were about to  
26 serve and file their anti-SLAPP motion, and so Mr. Sulkin and I were discussing an appropriate  
27

1 oral argument hearing date for that motion in accordance with our agreement. At that time, Mr.  
2 Sulkin mentioned that in response to the anti-SLAPP motion, the Plaintiffs might file a cross-  
3 motion seeking discovery, which is a remedy available to them under RCW 4.24.525(5)(c).  
4 Other than that suggestion and until we received the Plaintiffs' cross-motion for discovery on  
5 December 1, 2011, Plaintiffs' counsel never contacted me with any request to modify their  
6 prior agreement staying discovery with Defendants.

7 //

8 I declare under penalty of perjury under the laws of the State of Washington that the  
9 foregoing is true and correct to the best of my knowledge and belief.

10 Executed at Seattle, Washington this 11<sup>th</sup> day of January, 2012.

11  
12   
13 \_\_\_\_\_

Bruce E.H. Johnson

# EXHIBIT A



May 31, 2011

Via Certified Mail, Return Receipt Requested

Grace Cox  
Olympia Food Co-op  
Board of Directors  
3111 Pacific Ave. SE  
Olympia, WA 98501

Eric Mapes  
Olympia Food Co-op  
Board of Directors  
3111 Pacific Ave. SE  
Olympia, WA 98501

Harry Levine  
Olympia Food Co-op  
Board of Directors  
3111 Pacific Ave. SE  
Olympia, WA 98501

Julia Sokoloff  
Olympia Food Co-op  
Board of Directors  
3111 Pacific Ave. SE  
Olympia, WA 98501

TJ Johnson  
Olympia Food Co-op  
Board of Directors  
3111 Pacific Ave. SE  
Olympia, WA 98501

Rochelle Gause  
Olympia Food Co-op  
Board of Directors  
3111 Pacific Ave. SE  
Olympia, WA 98501

Rob Richards  
Olympia Food Co-op  
Board of Directors  
3111 Pacific Ave. SE  
Olympia, WA 98501

Erin Genia  
Olympia Food Co-op  
Board of Directors  
3111 Pacific Ave. SE  
Olympia, WA 98501

John Nason  
Olympia Food Co-op  
Board of Directors  
3111 Pacific Ave. SE  
Olympia, WA 98501

Ron Lavigne  
Olympia Food Co-op  
Board of Directors  
3111 Pacific Ave. SE  
Olympia, WA 98501

John Regan  
Olympia Food Co-op  
Board of Directors  
3111 Pacific Ave. SE  
Olympia, WA 98501

Jackie Krzyzek  
[REDACTED]

Joellen Reineck Wilhelm  
[REDACTED]

Suzanne Shafer  
[REDACTED]

Jessica Laing  
[REDACTED]

To the Olympia Food Co-op Board of Directors (present and former):

We are members of the Olympia Food Co-op ("OFC") who oppose OFC's boycott of Israeli made products ("Israel Boycott") and divestment from Israeli companies ("Divestment"). More importantly, we strongly object to the numerous procedural violations committed by the OFC Board of Directors (the "Board") in adopting these policies. You are receiving this letter because either (a) you are currently a member of the Board or (b) you were a member of the Board at the time the Israel Boycott and Divestment policies were adopted.

To be clear, we have repeatedly asked the Board to act on these issues in accordance with the rules and bylaws of OFC. We agree, of course, that OFC would be bound by the result of such a process. After all, OFC is a *cooperative* and its members have agreed to abide by certain rules. Yet you have refused to follow these rules or to cooperate. It is clear that members of the Board, by committing such procedural violations, have failed collectively and as individuals to abide by their lawful obligations to OFC and its members. A number of us have made this position clear to the Board since it announced its decision to enact the Israel Boycott. Yet our efforts have apparently fallen on deaf ears, as the Board steadfastly refuses to revisit its position on the Israel Boycott and Divestment policies. (To be clear, we currently take no position on

OFC Board of Directors

May 31, 2011

Page 2

soundness of OFC's "Boycott Policy" itself, which we understand may be under review by the Board, or OFC's boycott of products other than those made in Israel.)

At this point, we are left no choice but to demand in no uncertain terms that OFC act in accordance with its rules and bylaws and rescind the Israel Boycott and Divestment policies. Should new proposals to enact such policies be pursued at a later date in accordance with OFC rules and regulations, we would be prepared to respect the outcome of that process. Regrettably, should the Board reject our demand, we are prepared to pursue relief through the court system. We wish the situation had not come to this point, but frankly you have forced our hand by ignoring—again and again—our requests for due process and procedural compliance with OFC rules and regulations. As such, we expect to receive a response from the Board to our demand no later than *30 days* from the date of this letter. (Please arrange to have the Board's response mailed to us at the address below.) Should no response be received by that date, we will assume you have rejected our demand and will proceed accordingly.

Although the basis for our demand has previously been communicated to Board members collectively and, in certain instances, individually, we again explain in summary fashion our position. This is provided in the sincere hope that you will revisit the process by which the Boycott and Divestment policies were adopted. Nothing would please us more than to see this matter resolved without the need for adversarial action. That said, we are tired of being ignored and marginalized by a Board that refuses to abide by the rules and cooperative spirit of OFC's governance principles and procedures.

We remind the Board of the numerous occasions on which members of OFC have explained how and why the enactment of the Israel Boycott and Divestment policies violated OFC rules and regulations and why, as a result, the Board should rescind them. In short, you have repeatedly been put on notice of the Board's procedural violations, and you have repeatedly rejected requests for remedial action. While we are continuing to investigate and conduct additional analysis, it is clear that the Board, in deciding to boycott Israeli made products and divest from investments in Israeli companies, violated the terms of a number of OFC's governing documents—most obviously, the OFC "Boycott Policy." Other rules and regulations that were violated include OFC's Mission Statement and Bylaws. We intend to hold each of you personally responsible for these procedural violations and the breaches of your duties.

As members of OFC—some of us longstanding members—we submit this letter to you in the sincere hope that the Board will (1) recognize the mistakes it made in the course of adopting the Israel Boycott and Divestment policies and (2) rescind these policies without the need for further action by us. We are not interested in needlessly dragging ourselves or OFC, an institution to which we have collectively given significant time and energy, into an adversarial proceeding. That said, our informal efforts thus far—made in the spirit of cooperation that drew us to OFC in the first place—have failed to persuade you to do what is required under the circumstances. In short, you are entirely responsible for the position in which you now find yourselves. If you do what we demand, this situation may be resolved amicably and efficiently.

OFC Board of Directors  
May 31, 2011  
Page 3

If not, we will bring legal action against you, and this process will become considerably more complicated, burdensome, and expensive than it has been already.

We look forward to receiving a response from you no later than *30 days* from the date of this letter. Please arrange to have the Board's response mailed to us at P.O. Box 6060, Olympia, WA 98507-6060.

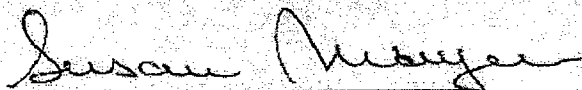
Sincerely,



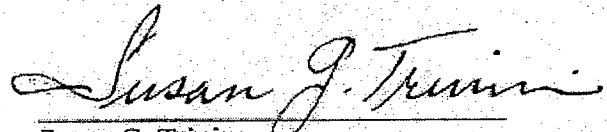
Kent L. Davis



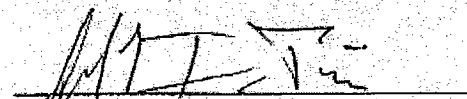
Linda Davis



Susan Mayer



Susan G. Trinin



Jeffrey I. Trinin

# EXHIBIT B

Hon. Paula Casey

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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

PLAINTIFFS' FIRST DISCOVERY  
REQUESTS TO DEFENDANTS

TO: GRACE COX, Defendant.

Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan  
Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to  
herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant  
GRACE COX ("Defendant") respond to the following interrogatories and requests for  
production.

Pursuant to CR 33, you are being served with the original and one copy of the

ORIGINAL

1 interrogatories. To facilitate preparation of answers and responses, Plaintiffs will  
2 additionally provide an electronic copy of the document to you by electronic mail at your  
3 request. Please insert your answers on the original in the space provided following each  
4 interrogatory, or use additional pages if necessary. Please serve the completed original on  
5 the undersigned. Each interrogatory is to be answered fully and separately, in writing and  
6 under oath, within 40 days of service upon you.

7 Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the  
8 service thereof, produce for inspection and copying the documents described below at the  
9 offices of McNaull Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University  
10 Street, Suite 2700, Seattle, Washington 98101.

#### 11 INSTRUCTIONS AND DEFINITIONS

12 The following definitions and instructions are intended to supplement those set  
13 forth in the Local Civil Rules, and are not intended to broaden such definitions and  
14 instructions.

15 A. The term "Lawsuit" whenever used herein shall be understood to mean the  
16 case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer,*  
17 *derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin*  
18 *Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne;*  
19 *Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer;*  
20 *Julia Sokoloff; and Joellen Reineck Wilhelm,* now pending in Thurston County Superior  
21 Court.

22 B. The terms "you" and "your" whenever used herein shall be understood to  
23 mean Defendant GRACE COX individually, as well as GRACE COX's current and  
24 former attorneys, agents, principals, employees, and/or representatives.

25 C. The term "Board of OFC," as used herein, shall be understood to mean the  
26 Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

1 agents, principals, employees, and/or representatives.

2 D. The term "Boycott Policy," as used herein, shall be understood to mean the  
3 policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding  
4 the means, terms, exceptions, and procedures by which OFC shall, "whenever  
5 possible...honor nationally recognized boycotts."

6 E. The term "Israel Boycott," as used herein, shall be understood to mean the  
7 decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

8 F. The term "Divestment," as used herein, shall be understood to mean the  
9 decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

10 G. The term "Israel Boycott and Divestment policies," as used herein, shall be  
11 understood to mean the policies that came into existence as a result of the decisions  
12 described in paragraphs D and E herein.

13 H. These interrogatories and requests for production are intended to be a  
14 continuing obligation upon Defendant to furnish all information requested herein until  
15 final disposition of this case. Corrections and supplemental responses are required as  
16 provided for in the Rules of Civil Procedure. **Plaintiffs will move the Court to exclude**  
17 **the testimony of any person not identified or evidence not disclosed in answers to**  
18 **these interrogatories, and will move to dismiss any claims related to any requested**  
19 **documents within the possession, custody or control of Defendant that Defendant**  
20 **fails to produce or to identify individually on a privilege log in response to these**  
21 **requests, and will move to exclude any other evidence offered by Defendant related**  
22 **to such documents.**

23 I. These requests seek documents and information in the possession, custody,  
24 or control of Defendant, including (by way of example and not limitation) documents and  
25 information in the possession of Defendant's current and former attorneys, agents,  
26 principals, accountants, and appraisers.

1 J. In responding to each request for production, if you do not produce a  
2 document in whole or in part because you are unable to do so, or for any other reason, you  
3 are requested to state the name and address of each person whom you believe has custody,  
4 possession, or control of the document.

5 K. Objections and claims of privilege should not be made in a general, blanket  
6 fashion. Rather, Defendant must indicate which objections or claims of privilege are  
7 asserted with regard to each discovery request. If only part of a discovery request is  
8 objected to, Defendant should indicate which objections or claims of privilege are asserted  
9 with regard to each such part.

10 L. With regard to attorney-client privilege and work product doctrine  
11 objections to interrogatories, describe the factual basis for your claim of privilege,  
12 including relevant dates, persons involved in the communication, subject matters  
13 involved, all persons present when the communications occurred, all persons who have  
14 been told about any of the details of the communication, and other information which  
15 would permit the Court to adjudicate the validity of the claim of privilege.

16 M. With regard to each document withheld upon a claim of attorney-client  
17 privilege or work product doctrine, prepare a document-by-document privilege log stating  
18 the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended  
19 recipient(s), subject matter(s), and persons who have received the document or have been  
20 told about the contents thereof, and other information which would permit the Court to  
21 adjudicate the validity of the claim or privilege. This privilege log must be produced  
22 contemporaneously with the documents produced in response to these requests.

23 N. If you object in part to any request for production, please respond to the  
24 remainder completely.

25 O. In responding to each request for production, please identify by number  
26 each and every request to which the documents are responsive.



1 P. All documents should be produced in the same order as they are kept or  
2 maintained by you in the ordinary course of business and in the manual, booklet, binder,  
3 file, folder, envelope, or other container in which they are ordinarily kept or maintained.  
4 If for any reason the container cannot be produced, produce copies of all labels or other  
5 identifying markings thereon.

6 Q. The term "documents" or "records" are intended to be interchangeable and  
7 to be construed in their broadest sense including, but not limited to any original, recorded,  
8 or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all  
9 non-identical copies of each such writing (whether different from the original because of  
10 notes made on such copy or otherwise), including but not limited to: reports, drafts,  
11 working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings,  
12 schedules, cost sheets and quotation forms, bids, computer-generated and mechanically-  
13 created records, laser disks, compact disks, quotations, transcriptions of telephone  
14 conversations, notes, diaries, printouts, photographs, movies, mechanical or sound  
15 recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams,  
16 tape recordings, transmittal documents, rough letters, revisions, superseded documents,  
17 telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading,  
18 amendments, modifications, revisions, agreements, bills, estimates, statements of account,  
19 claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and  
20 all other manner and form of communication not otherwise expressly described.

21 As noted, the terms "documents" or "records" include, among other information,  
22 information stored in machine-readable form. In determining where responsive documents  
23 in this form might be located, consider whether you have any equipment or media which  
24 contain "documents" as defined herein, including but not limited to:

25 (1) Desktop personal computers (PCs) or workstations; PCs,  
26 workstations, minicomputers, or mainframes used as file servers, application servers, or

1 electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other  
2 portable computers; and home computers used for work-related purposes.

3 (2) Backup disks and tapes, archival disks and tapes, flashdrives, and  
4 other forms of offline storage, whether stored on-site with the computers used to generate  
5 them or off-site in another computer facility or by a third party; and,

6 (3) Electronic mail messages, even if available only on backup or  
7 archive disks or tapes.

8 R. Except as otherwise specified herein, provide responsive machine-readable  
9 information in its original format. All databases should be in either MS Excel or MS  
10 Access. All other files should be in MS Office format, preferably 2000. All e-mail should  
11 be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM.  
12 If you have any questions concerning what constitutes an appropriate format, please  
13 contact counsel for Plaintiffs.

14 S. Unless otherwise specified herein, the term "computer" includes but is not  
15 limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers,  
16 application servers, or electronic mail servers; other minicomputers and mainframes;  
17 laptop, notebook, and other portable computers; and home computers used for work-  
18 related purposes.

19 T. As used herein, the term "backup" includes but is not limited to backup  
20 disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage,  
21 whether stored on-site with the computers used to generate them or off-site in another  
22 computer facility or by a third party.

23 U. As used herein, the phrase "describe" means to set out every aspect of  
24 every fact, circumstance, act, omission, or course of conduct known to you relating in any  
25 way to the matter inquired about, including, without limitation, the date and place thereof,  
26 the identity of each person present, connected therewith, or who has knowledge thereof,

1 the identity of all documents relating thereto, and if anything was said by any person, the  
2 identity of each such person and each such oral statement, and if the oral statement in  
3 whole or in part was contained, reported, summarized or referred to in any documents, the  
4 identity of each such document.

5 V. The term "person" means any individual, partnership, corporation, firm,  
6 association, or other business or legal entity.

7 W. The terms "and" and "or" wherever used herein shall be understood in both  
8 the conjunctive and disjunctive sense, synonymous with "and/or."

9 X. The terms "any" and "all" wherever used herein shall be understood in  
10 their most inclusive sense, synonymous with "any or all."

11 Y. "Identity" or "identify" means:

12 (a) when used with reference to a natural person, to state his or her full  
13 name, his or her present home address, present business address, present home and  
14 business telephone numbers, occupation, present or last known position, and business  
15 affiliation;

16 (b) when used in reference to any entity, such as a partnership, joint  
17 venture, trust, or corporation, to state the full legal name of such entity, each name under  
18 which such entity does business, the entity's street address, the entity's telephone number,  
19 the identity of the chief operating officer, manager, trustee, or other principal  
20 representative and the identity of those persons employed by or otherwise acting for such  
21 entity who are known or are believed to possess the knowledge or information responsive  
22 to the interrogatory and for which the entity was identified;

23 (c) when used with reference to documents, to state specifically:

24 (i) the type of documents involved (e.g., letter, interoffice  
25 memorandum, etc.), together with information sufficient to enable defendant to  
26 locate the document, such as its date, the name of any addressee, the name of any

1 signer, the title or heading of the documents and its approximate number of pages;  
2 and

3 (ii) the identity of the person last known to have possession of  
4 the document, together with the present or last known location of the document. If  
5 any document was, but is no longer, in your possession, custody or control,  
6 identify the document, state what disposition was made of it and the reason for  
7 such disposition. In lieu of identifying documents, copies may be provided.

8 (d) when used with reference to damages or injuries, to state  
9 specifically:

10 (i) the date on which the damage or injury occurred,  
11 (ii) the monetary value of the damage or injury, and  
12 (iii) any other persons or entities involved in the events or  
13 circumstances giving rise to the alleged damage or injury.

14 (e) when used with reference to a legal action, to state specifically:

15 (i) the date and place each such action was filed, giving the  
16 name of the court and the name of the other party or parties involved, the cause  
17 number, and the names and addresses of the attorneys representing each party;  
18 (ii) a description of the nature of each action; and  
19 (iii) the result of each such action, whether there was an appeal,  
20 the results of the appeal, whether such case was reported and the name, volume  
21 number and page citation of such report.

## 22 INTERROGATORIES

23 INTERROGATORY NO. 1.: Please identify every person who has been a  
24 member of the Board of OFC since April 1993, including all current members of the Board  
25 of OFC.

26 ANSWER:

1           **INTERROGATORY NO. 2.:** Please identify every person who was a staff  
2 member of OFC at the time the Israel Boycott and Divestment policies were considered  
3 and/or enacted by the Board of OFC.

4           **ANSWER:**

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8           **INTERROGATORY NO. 3.:** Please identify every communication from a staff  
9 member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the  
10 Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted  
11 by the Board of OFC.

12           **ANSWER:**

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16           **INTERROGATORY NO. 4.:** Please identify any expert witness you expect to  
17 call at trial and, as to each such witness, provide:

- 18           (a) The person's name, occupation, title, business address, area of  
19           specialization, if any, and professional relationship to you;
- 20           (b) The subject matter on which the person is expected to testify;
- 21           (c) The substance of the facts and opinions to which the person is expected to  
22           testify and a summary of the grounds for each opinion;
- 23           (d) All data or other information considered by the person in forming his or her  
24           opinions;
- 25           (e) A statement of the person's qualifications, including a list of all  
26           publications authored by the person in the past 10 years;
- (f) The identity of any exhibits to be used as a summary of or support for the  
            person's opinions;
- (g) The compensation to be paid to the person in connection with his or her  
            work as an expert witness; and

1 (h) A list of all other cases in which the person has testified by deposition or at  
2 trial and the identity of the attorneys who questioned the person.

3 ANSWER:

4  
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6  
7 **REQUESTS FOR PRODUCTION**

8 **REQUEST FOR PRODUCTION NO. 1.** Please produce all documents that  
9 relate in any way to boycotting and/or divesting from Israel, including but not limited to  
10 all documents that were considered by the Board of OFC in enacting the Israel Boycott  
11 and Divestment policies; all committee or Board minutes relating to the Israel Boycott and  
12 Divestment policies; notes and comments relating to those minutes; and all documents  
13 that reference or discuss the policies and/or procedures considered and/or followed by the  
14 Board of OFC in enacting the Israel Boycott and Divestment policies.

15 RESPONSE:

16  
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19 **REQUEST FOR PRODUCTION NO. 2.** To the extent not produced in  
20 response to a prior request for production, please produce all documents relating to any  
21 effort or consideration given by the Board of OFC to boycotting products of any country  
22 or geographic area other than Israel—whether such boycott was enacted or not—including  
23 but not limited to all documents that reference or discuss the policies and/or procedures  
24 considered and/or followed by the Board of OFC in connection therewith.

25 RESPONSE:

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**REQUEST FOR PRODUCTION NO. 3.:** To the extent not produced in response to a prior request for production, please produce all documents that relate in any way to the rules and/or procedures of OFC regarding boycotts, including but not limited to any previous boycott policies and/or procedures and any changes to such policies and/or procedures.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 4.:** To the extent not produced in response to a prior request for production, please produce all communications between yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any product or products, including but not limited to communications relating to the boycott policies and procedures of OFC.

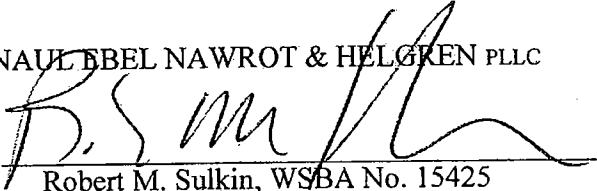
**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 5.:** Please produce all documents identified in your Answer to Interrogatory No. 3.

**RESPONSE:**

INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC

By:   
Robert M. Sulkin, WSBA No. 15425  
Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

1 ANSWERS AND RESPONSES dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

2  
3 By: \_\_\_\_\_  
4 GRACE COX, Defendant

5  
6 CERTIFICATION

7 Plaintiffs certify that they have read the foregoing *Plaintiffs' First Discovery*  
8 *Requests to Defendants* and any objections thereto, and the answers, responses and  
9 objections are in compliance with CR 26(g).

10 By: \_\_\_\_\_  
11 \_\_\_\_\_, Attorney for Defendants  
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Hon. Paula Casey

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

PLAINTIFFS' FIRST DISCOVERY  
REQUESTS TO DEFENDANTS

TO: ROCHELLE GAUSE, Defendant.

Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan  
Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to  
herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant  
ROCHELLE GAUSE ("Defendant") respond to the following interrogatories and requests  
for production.

Pursuant to CR 33, you are being served with the original and one copy of the

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO  
DEFENDANTS - Page 1

LAW OFFICES OF  
MCNAUL EBEL NAWROT & HELOREN PLLC  
600 University Street, Suite 2700  
Seattle, Washington 98101-3143  
(206) 467-1816

ORIGINAL

1 interrogatories. To facilitate preparation of answers and responses, Plaintiffs will  
2 additionally provide an electronic copy of the document to you by electronic mail at your  
3 request. Please insert your answers on the original in the space provided following each  
4 interrogatory, or use additional pages if necessary. Please serve the completed original on  
5 the undersigned. Each interrogatory is to be answered fully and separately, in writing and  
6 under oath, within 40 days of service upon you.

7 Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the  
8 service thereof, produce for inspection and copying the documents described below at the  
9 offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University  
10 Street, Suite 2700, Seattle, Washington 98101.

#### 11 INSTRUCTIONS AND DEFINITIONS

12 The following definitions and instructions are intended to supplement those set  
13 forth in the Local Civil Rules, and are not intended to broaden such definitions and  
14 instructions.

15 A. The term "Lawsuit" whenever used herein shall be understood to mean the  
16 case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer,*  
17 *derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin*  
18 *Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne;*  
19 *Harry Levine; Eric Mupes; John Nason; John Regan; Rob Richards; Suzanne Shafer;*  
20 *Julia Sokoloff; and Joellen Retneck Wilhelm,* now pending in Thurston County Superior  
21 Court.

22 B. The terms "you" and "your" whenever used herein shall be understood to  
23 mean Defendant ROCHELLE GAUSE individually, as well as ROCHELLE GAUSE's  
24 current and former attorneys, agents, principals, employees, and/or representatives.

25 C. The term "Board of OFC," as used herein, shall be understood to mean the  
26 Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

1 agents, principals, employees, and/or representatives.

2 D. The term "Boycott Policy," as used herein, shall be understood to mean the  
3 policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding  
4 the means, terms, exceptions, and procedures by which OFC shall, "whenever  
5 possible...honor nationally recognized boycotts."

6 E. The term "Israel Boycott," as used herein, shall be understood to mean the  
7 decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

8 F. The term "Divestment," as used herein, shall be understood to mean the  
9 decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

10 G. The term "Israel Boycott and Divestment policies," as used herein, shall be  
11 understood to mean the policies that came into existence as a result of the decisions  
12 described in paragraphs D and E herein.

13 H. These interrogatories and requests for production are intended to be a  
14 continuing obligation upon Defendant to furnish all information requested herein until  
15 final disposition of this case. Corrections and supplemental responses are required as  
16 provided for in the Rules of Civil Procedure. **Plaintiffs will move the Court to exclude  
17 the testimony of any person not identified or evidence not disclosed in answers to  
18 these interrogatories, and will move to dismiss any claims related to any requested  
19 documents within the possession, custody or control of Defendant that Defendant  
20 fails to produce or to identify individually on a privilege log in response to these  
21 requests, and will move to exclude any other evidence offered by Defendant related  
22 to such documents.**

23 I. These requests seek documents and information in the possession, custody,  
24 or control of Defendant, including (by way of example and not limitation) documents and  
25 information in the possession of Defendant's current and former attorneys, agents,  
26 principals, accountants, and appraisers.

1 J. In responding to each request for production, if you do not produce a  
2 document in whole or in part because you are unable to do so, or for any other reason, you  
3 are requested to state the name and address of each person whom you believe has custody,  
4 possession, or control of the document.

5 K. Objections and claims of privilege should not be made in a general, blanket  
6 fashion. Rather, Defendant must indicate which objections or claims of privilege are  
7 asserted with regard to each discovery request. If only part of a discovery request is  
8 objected to, Defendant should indicate which objections or claims of privilege are asserted  
9 with regard to each such part.

10 L. With regard to attorney-client privilege and work product doctrine  
11 objections to interrogatories, describe the factual basis for your claim of privilege,  
12 including relevant dates, persons involved in the communication, subject matters  
13 involved, all persons present when the communications occurred, all persons who have  
14 been told about any of the details of the communication, and other information which  
15 would permit the Court to adjudicate the validity of the claim of privilege.

16 M. With regard to each document withheld upon a claim of attorney-client  
17 privilege or work product doctrine, prepare a document-by-document privilege log stating  
18 the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended  
19 recipient(s), subject matter(s), and persons who have received the document or have been  
20 told about the contents thereof, and other information which would permit the Court to  
21 adjudicate the validity of the claim or privilege. This privilege log must be produced  
22 contemporaneously with the documents produced in response to these requests.

23 N. If you object in part to any request for production, please respond to the  
24 remainder completely.

25 O. In responding to each request for production, please identify by number  
26 each and every request to which the documents are responsive.

1 P. All documents should be produced in the same order as they are kept or  
2 maintained by you in the ordinary course of business and in the manual, booklet, binder,  
3 file, folder, envelope, or other container in which they are ordinarily kept or maintained.  
4 If for any reason the container cannot be produced, produce copies of all labels or other  
5 identifying markings thereon.

6 Q. The term "documents" or "records" are intended to be interchangeable and  
7 to be construed in their broadest sense including, but not limited to any original, recorded,  
8 or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all  
9 non-identical copies of each such writing (whether different from the original because of  
10 notes made on such copy or otherwise), including but not limited to: reports, drafts,  
11 working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings,  
12 schedules, cost sheets and quotation forms, bids, computer-generated and mechanically-  
13 created records, laser disks, compact disks, quotations, transcriptions of telephone  
14 conversations, notes, diaries, printouts, photographs, movies, mechanical or sound  
15 recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams,  
16 tape recordings, transmittal documents, rough letters, revisions, superseded documents,  
17 telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading,  
18 amendments, modifications, revisions, agreements, bills, estimates, statements of account,  
19 claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and  
20 all other manner and form of communication not otherwise expressly described.

21 As noted, the terms "documents" or "records" include, among other information,  
22 information stored in machine-readable form. In determining where responsive documents  
23 in this form might be located, consider whether you have any equipment or media which  
24 contain "documents" as defined herein, including but not limited to:

25 (1) Desktop personal computers (PCs) or workstations; PCs,  
26 workstations, minicomputers, or mainframes used as file servers, application servers, or

1 electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other  
2 portable computers; and home computers used for work-related purposes.

3 (2) Backup disks and tapes, archival disks and tapes, flashdrives, and  
4 other forms of offline storage, whether stored on-site with the computers used to generate  
5 them or off-site in another computer facility or by a third party; and,

6 (3) Electronic mail messages, even if available only on backup or  
7 archive disks or tapes.

8 R. Except as otherwise specified herein, provide responsive machine-readable  
9 information in its original format. All databases should be in either MS Excel or MS  
10 Access. All other files should be in MS Office format, preferably 2000. All e-mail should  
11 be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM.  
12 If you have any questions concerning what constitutes an appropriate format, please  
13 contact counsel for Plaintiffs.

14 S. Unless otherwise specified herein, the term "computer" includes but is not  
15 limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers,  
16 application servers, or electronic mail servers; other minicomputers and mainframes;  
17 laptop, notebook, and other portable computers; and home computers used for work-  
18 related purposes.

19 T. As used herein, the term "backup" includes but is not limited to backup  
20 disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage,  
21 whether stored on-site with the computers used to generate them or off-site in another  
22 computer facility or by a third party.

23 U. As used herein, the phrase "describe" means to set out every aspect of  
24 every fact, circumstance, act, omission, or course of conduct known to you relating in any  
25 way to the matter inquired about, including, without limitation, the date and place thereof,  
26 the identity of each person present, connected therewith, or who has knowledge thereof,

1 the identity of all documents relating thereto, and if anything was said by any person, the  
2 identity of each such person and each such oral statement, and if the oral statement in  
3 whole or in part was contained, reported, summarized or referred to in any documents, the  
4 identity of each such document.

5 V. The term "person" means any individual, partnership, corporation, firm,  
6 association, or other business or legal entity.

7 W. The terms "and" and "or" wherever used herein shall be understood in both  
8 the conjunctive and disjunctive sense, synonymous with "and/or."

9 X. The terms "any" and "all" wherever used herein shall be understood in  
10 their most inclusive sense, synonymous with "any or all."

11 Y. "Identity" or "identify" means:

12 (a) when used with reference to a natural person, to state his or her full  
13 name, his or her present home address, present business address, present home and  
14 business telephone numbers, occupation, present or last known position, and business  
15 affiliation;

16 (b) when used in reference to any entity, such as a partnership, joint  
17 venture, trust, or corporation, to state the full legal name of such entity, each name under  
18 which such entity does business, the entity's street address, the entity's telephone number,  
19 the identity of the chief operating officer, manager, trustee, or other principal  
20 representative and the identity of those persons employed by or otherwise acting for such  
21 entity who are known or are believed to possess the knowledge or information responsive  
22 to the interrogatory and for which the entity was identified;

23 (c) when used with reference to documents, to state specifically:

24 (i) the type of documents involved (e.g., letter, interoffice  
25 memorandum, etc.), together with information sufficient to enable defendant to  
26 locate the document, such as its date, the name of any addressee, the name of any



1 signer, the title or heading of the documents and its approximate number of pages;  
2 and

3 (ii) the identity of the person last known to have possession of  
4 the document, together with the present or last known location of the document. If  
5 any document was, but is no longer, in your possession, custody or control,  
6 identify the document, state what disposition was made of it and the reason for  
7 such disposition. In lieu of identifying documents, copies may be provided.

8 (d) when used with reference to damages or injuries, to state  
9 specifically:

10 (i) the date on which the damage or injury occurred,

11 (ii) the monetary value of the damage or injury, and

12 (iii) any other persons or entities involved in the events or  
13 circumstances giving rise to the alleged damage or injury.

14 (e) when used with reference to a legal action, to state specifically:

15 (i) the date and place each such action was filed, giving the  
16 name of the court and the name of the other party or parties involved, the cause  
17 number, and the names and addresses of the attorneys representing each party;

18 (ii) a description of the nature of each action; and

19 (iii) the result of each such action, whether there was an appeal,  
20 the results of the appeal, whether such case was reported and the name, volume  
21 number and page citation of such report.

## 22 INTERROGATORIES

23 INTERROGATORY NO. 1: Please identify every person who has been a  
24 member of the Board of OFC since April 1993, including all current members of the Board  
25 of OFC.

26 ANSWER:

1           **INTERROGATORY NO. 2.** Please identify every person who was a staff  
2 member of OFC at the time the Israel Boycott and Divestment policies were considered  
3 and/or enacted by the Board of OFC.

4           **ANSWER:**

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8           **INTERROGATORY NO. 3.** Please identify every communication from a staff  
9 member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the  
10 Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted  
11 by the Board of OFC.

12           **ANSWER:**

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16           **INTERROGATORY NO. 4.** Please identify any expert witness you expect to  
17 call at trial and, as to each such witness, provide:

- 18           (a) The person's name, occupation, title, business address, area of  
19 specialization, if any, and professional relationship to you;
- 20           (b) The subject matter on which the person is expected to testify;
- 21           (c) The substance of the facts and opinions to which the person is expected to  
22 testify and a summary of the grounds for each opinion;
- 23           (d) All data or other information considered by the person in forming his or her  
24 opinions;
- 25           (e) A statement of the person's qualifications, including a list of all  
26 publications authored by the person in the past 10 years;
- (f) The identity of any exhibits to be used as a summary of or support for the  
            person's opinions;
- (g) The compensation to be paid to the person in connection with his or her  
            work as an expert witness; and

1 (h) A list of all other cases in which the person has testified by deposition or at  
2 trial and the identity of the attorneys who questioned the person.

3 **ANSWER:**  
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7 **REQUESTS FOR PRODUCTION**

8 **REQUEST FOR PRODUCTION NO. 1:** Please produce all documents that  
9 relate in any way to boycotting and/or divesting from Israel, including but not limited to  
10 all documents that were considered by the Board of OFC in enacting the Israel Boycott  
11 and Divestment policies; all committee or Board minutes relating to the Israel Boycott and  
12 Divestment policies; notes and comments relating to those minutes; and all documents  
13 that reference or discuss the policies and/or procedures considered and/or followed by the  
14 Board of OFC in enacting the Israel Boycott and Divestment policies.

15 **RESPONSE:**  
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19 **REQUEST FOR PRODUCTION NO. 2:** To the extent not produced in  
20 response to a prior request for production, please produce all documents relating to any  
21 effort or consideration given by the Board of OFC to boycotting products of any country  
22 or geographic area other than Israel—whether such boycott was enacted or not—including  
23 but not limited to all documents that reference or discuss the policies and/or procedures  
24 considered and/or followed by the Board of OFC in connection therewith.

25 **RESPONSE:**  
26

1           **REQUEST FOR PRODUCTION NO. 3:** To the extent not produced in  
2 response to a prior request for production, please produce all documents that relate in any  
3 way to the rules and/or procedures of OFC regarding boycotts, including but not limited to  
4 any previous boycott policies and/or procedures and any changes to such policies and/or  
5 procedures.

6           **RESPONSE:**

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10           **REQUEST FOR PRODUCTION NO. 4:** To the extent not produced in  
11 response to a prior request for production, please produce all communications between  
12 yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any  
13 product or products, including but not limited to communications relating to the boycott  
14 policies and procedures of OFC.

15           **RESPONSE:**

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18           **REQUEST FOR PRODUCTION NO. 5:** Please produce all documents  
19 identified in your Answer to Interrogatory No. 3.

20           **RESPONSE:**

21 INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of  
22 September, 2011.

23 McNAUL EBEL NAWROT & HELGREN PLLC

24 By: 

25 Robert M. Sulkin, WSBA No. 75425

26 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

1 ANSWERS AND RESPONSES dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

2  
3 By: \_\_\_\_\_  
4 ROCHELLE GAUSE, Defendant

5  
6 CERTIFICATION

7 Plaintiffs certify that they have read the foregoing *Plaintiffs' First Discovery*  
8 *Requests to Defendants* and any objections thereto, and the answers, responses and  
9 objections are in compliance with CR 26(g).

10 By: \_\_\_\_\_  
11 \_\_\_\_\_, Attorney for Defendants  
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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS

TO: ERIN GENIA, Defendant.

Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant ERIN GENIA ("Defendant") respond to the following interrogatories and requests for production.

Pursuant to CR 33, you are being served with the original and one copy of the

COPY

1 interrogatories. To facilitate preparation of answers and responses, Plaintiffs will  
2 additionally provide an electronic copy of the document to you by electronic mail at your  
3 request. Please insert your answers on the original in the space provided following each  
4 interrogatory, or use additional pages if necessary. Please serve the completed original on  
5 the undersigned. Each interrogatory is to be answered fully and separately, in writing and  
6 under oath, within 40 days of service upon you.

7 Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the  
8 service thereof, produce for inspection and copying the documents described below at the  
9 offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University  
10 Street, Suite 2700, Seattle, Washington 98101.

### 11 INSTRUCTIONS AND DEFINITIONS

12 The following definitions and instructions are intended to supplement those set  
13 forth in the Local Civil Rules, and are not intended to broaden such definitions and  
14 instructions.

15 A. The term "Lawsuit" whenever used herein shall be understood to mean the  
16 case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer,*  
17 *derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin*  
18 *Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne;*  
19 *Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer;*  
20 *Julia Sokoloff; and Joellen Reineck Wilhelm,* now pending in Thurston County Superior  
21 Court.

22 B. The terms "you" and "your" whenever used herein shall be understood to  
23 mean Defendant ERIN GENIA individually, as well as ERIN GENIA's current and  
24 former attorneys, agents, principals, employees, and/or representatives.

25 C. The term "Board of OFC," as used herein, shall be understood to mean the  
26 Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,



1 agents, principals, employees, and/or representatives.

2 D. The term “Boycott Policy,” as used herein, shall be understood to mean the  
3 policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding  
4 the means, terms, exceptions, and procedures by which OFC shall, “whenever  
5 possible...honor nationally recognized boycotts.”

6 E. The term “Israel Boycott,” as used herein, shall be understood to mean the  
7 decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

8 F. The term “Divestment,” as used herein, shall be understood to mean the  
9 decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

10 G. The term “Israel Boycott and Divestment policies,” as used herein, shall be  
11 understood to mean the policies that came into existence as a result of the decisions  
12 described in paragraphs D and E herein.

13 H. These interrogatories and requests for production are intended to be a  
14 continuing obligation upon Defendant to furnish all information requested herein until  
15 final disposition of this case. Corrections and supplemental responses are required as  
16 provided for in the Rules of Civil Procedure. **Plaintiffs will move the Court to exclude**  
17 **the testimony of any person not identified or evidence not disclosed in answers to**  
18 **these interrogatories, and will move to dismiss any claims related to any requested**  
19 **documents within the possession, custody or control of Defendant that Defendant**  
20 **fails to produce or to identify individually on a privilege log in response to these**  
21 **requests, and will move to exclude any other evidence offered by Defendant related**  
22 **to such documents.**

23 I. These requests seek documents and information in the possession, custody,  
24 or control of Defendant, including (by way of example and not limitation) documents and  
25 information in the possession of Defendant’s current and former attorneys, agents,  
26 principals, accountants, and appraisers.

1 J. In responding to each request for production, if you do not produce a  
2 document in whole or in part because you are unable to do so, or for any other reason, you  
3 are requested to state the name and address of each person whom you believe has custody,  
4 possession, or control of the document.

5 K. Objections and claims of privilege should not be made in a general, blanket  
6 fashion. Rather, Defendant must indicate which objections or claims of privilege are  
7 asserted with regard to each discovery request. If only part of a discovery request is  
8 objected to, Defendant should indicate which objections or claims of privilege are asserted  
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10 L. With regard to attorney-client privilege and work product doctrine  
11 objections to interrogatories, describe the factual basis for your claim of privilege,  
12 including relevant dates, persons involved in the communication, subject matters  
13 involved, all persons present when the communications occurred, all persons who have  
14 been told about any of the details of the communication; and other information which  
15 would permit the Court to adjudicate the validity of the claim of privilege.

16 M. With regard to each document withheld upon a claim of attorney-client  
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24 remainder completely.

25 O. In responding to each request for production, please identify by number  
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1 P. All documents should be produced in the same order as they are kept or  
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3 file, folder, envelope, or other container in which they are ordinarily kept or maintained.  
4 If for any reason the container cannot be produced, produce copies of all labels or other  
5 identifying markings thereon.

6 Q. The term “documents” or “records” are intended to be interchangeable and  
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8 or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all  
9 non-identical copies of each such writing (whether different from the original because of  
10 notes made on such copy or otherwise), including but not limited to: reports, drafts,  
11 working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings,  
12 schedules, cost sheets and quotation forms, bids, computer-generated and mechanically-  
13 created records, laser disks, compact disks, quotations, transcriptions of telephone  
14 conversations, notes, diaries, printouts, photographs, movies, mechanical or sound  
15 recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams,  
16 tape recordings, transmittal documents, rough letters, revisions, superseded documents,  
17 telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading,  
18 amendments, modifications, revisions, agreements, bills, estimates, statements of account,  
19 claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and  
20 all other manner and form of communication not otherwise expressly described.

21 As noted, the terms “documents” or “records” include, among other information,  
22 information stored in machine-readable form. In determining where responsive documents  
23 in this form might be located, consider whether you have any equipment or media which  
24 contain “documents” as defined herein, including but not limited to:

25 (1) Desktop personal computers (PCs) or workstations; PCs,  
26 workstations, minicomputers, or mainframes used as file servers, application servers, or

1 electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other  
2 portable computers; and home computers used for work-related purposes.

3 (2) Backup disks and tapes, archival disks and tapes, flashdrives, and  
4 other forms of offline storage, whether stored on-site with the computers used to generate  
5 them or off-site in another computer facility or by a third party; and,

6 (3) Electronic mail messages, even if available only on backup or  
7 archive disks or tapes.

8 R. Except as otherwise specified herein, provide responsive machine-readable  
9 information in its original format. All databases should be in either MS Excel or MS  
10 Access. All other files should be in MS Office format, preferably 2000. All e-mail should  
11 be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM.  
12 If you have any questions concerning what constitutes an appropriate format, please  
13 contact counsel for Plaintiffs.

14 S. Unless otherwise specified herein, the term "computer" includes but is not  
15 limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers,  
16 application servers, or electronic mail servers; other minicomputers and mainframes;  
17 laptop, notebook, and other portable computers; and home computers used for work-  
18 related purposes.

19 T. As used herein, the term "backup" includes but is not limited to backup  
20 disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage,  
21 whether stored on-site with the computers used to generate them or off-site in another  
22 computer facility or by a third party.

23 U. As used herein, the phrase "describe" means to set out every aspect of  
24 every fact, circumstance, act, omission, or course of conduct known to you relating in any  
25 way to the matter inquired about, including, without limitation, the date and place thereof,  
26 the identity of each person present, connected therewith, or who has knowledge thereof,

1 the identity of all documents relating thereto, and if anything was said by any person, the  
2 identity of each such person and each such oral statement, and if the oral statement in  
3 whole or in part was contained, reported, summarized or referred to in any documents, the  
4 identity of each such document.

5 V. The term "person" means any individual, partnership, corporation, firm,  
6 association, or other business or legal entity.

7 W. The terms "and" and "or" wherever used herein shall be understood in both  
8 the conjunctive and disjunctive sense, synonymous with "and/or."

9 X. The terms "any" and "all" wherever used herein shall be understood in  
10 their most inclusive sense, synonymous with "any or all."

11 Y. "Identity" or "identify" means:

12 (a) when used with reference to a natural person, to state his or her full  
13 name, his or her present home address, present business address, present home and  
14 business telephone numbers, occupation, present or last known position, and business  
15 affiliation;

16 (b) when used in reference to any entity, such as a partnership, joint  
17 venture, trust, or corporation, to state the full legal name of such entity, each name under  
18 which such entity does business, the entity's street address, the entity's telephone number,  
19 the identity of the chief operating officer, manager, trustee, or other principal  
20 representative and the identity of those persons employed by or otherwise acting for such  
21 entity who are known or are believed to possess the knowledge or information responsive  
22 to the interrogatory and for which the entity was identified;

23 (c) when used with reference to documents, to state specifically:

24 (i) the type of documents involved (e.g., letter, interoffice  
25 memorandum, etc.), together with information sufficient to enable defendant to  
26 locate the document, such as its date, the name of any addressee, the name of any

1 signer, the title or heading of the documents and its approximate number of pages;  
2 and

3 (ii) the identity of the person last known to have possession of  
4 the document, together with the present or last known location of the document. If  
5 any document was, but is no longer, in your possession, custody or control,  
6 identify the document, state what disposition was made of it and the reason for  
7 such disposition. In lieu of identifying documents, copies may be provided.

8 (d) when used with reference to damages or injuries, to state  
9 specifically:

10 (i) the date on which the damage or injury occurred,

11 (ii) the monetary value of the damage or injury, and

12 (iii) any other persons or entities involved in the events or  
13 circumstances giving rise to the alleged damage or injury.

14 (e) when used with reference to a legal action, to state specifically:

15 (i) the date and place each such action was filed, giving the  
16 name of the court and the name of the other party or parties involved, the cause  
17 number, and the names and addresses of the attorneys representing each party;

18 (ii) a description of the nature of each action; and

19 (iii) the result of each such action, whether there was an appeal,  
20 the results of the appeal, whether such case was reported and the name, volume  
21 number and page citation of such report.

22 **INTERROGATORIES**

23 **INTERROGATORY NO. 1.**: Please identify every person who has been a  
24 member of the Board of OFC since April 1993, including all current members of the Board  
25 of OFC.

26 **ANSWER:**

1           **INTERROGATORY NO. 2.** Please identify every person who was a staff  
2 member of OFC at the time the Israel Boycott and Divestment policies were considered  
3 and/or enacted by the Board of OFC.

4           **ANSWER:**

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8           **INTERROGATORY NO. 3.** Please identify every communication from a staff  
9 member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the  
10 Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted  
11 by the Board of OFC.

12           **ANSWER:**

13  
14  
15  
16           **INTERROGATORY NO. 4.** Please identify any expert witness you expect to  
17 call at trial and, as to each such witness, provide:

- 18           (a) The person's name, occupation, title, business address, area of  
19 specialization, if any, and professional relationship to you;
- 20           (b) The subject matter on which the person is expected to testify;
- 21           (c) The substance of the facts and opinions to which the person is expected to  
22 testify and a summary of the grounds for each opinion;
- 23           (d) All data or other information considered by the person in forming his or her  
24 opinions;
- 25           (e) A statement of the person's qualifications, including a list of all  
26 publications authored by the person in the past 10 years;
- (f) The identity of any exhibits to be used as a summary of or support for the  
             person's opinions;
- (g) The compensation to be paid to the person in connection with his or her  
             work as an expert witness; and

1 (h) A list of all other cases in which the person has testified by deposition or at  
2 trial and the identity of the attorneys who questioned the person.

3 ANSWER:

4  
5  
6  
7 REQUESTS FOR PRODUCTION

8 REQUEST FOR PRODUCTION NO. 1.: Please produce all documents that  
9 relate in any way to boycotting and/or divesting from Israel, including but not limited to  
10 all documents that were considered by the Board of OFC in enacting the Israel Boycott  
11 and Divestment policies; all committee or Board minutes relating to the Israel Boycott and  
12 Divestment policies; notes and comments relating to those minutes; and all documents  
13 that reference or discuss the policies and/or procedures considered and/or followed by the  
14 Board of OFC in enacting the Israel Boycott and Divestment policies.

15 RESPONSE:

16  
17  
18  
19 REQUEST FOR PRODUCTION NO. 2.: To the extent not produced in  
20 response to a prior request for production, please produce all documents relating to any  
21 effort or consideration given by the Board of OFC to boycotting products of any country  
22 or geographic area other than Israel—whether such boycott was enacted or not—including  
23 but not limited to all documents that reference or discuss the policies and/or procedures  
24 considered and/or followed by the Board of OFC in connection therewith.

25 RESPONSE:



1           **REQUEST FOR PRODUCTION NO. 3.:** To the extent not produced in  
2 response to a prior request for production, please produce all documents that relate in any  
3 way to the rules and/or procedures of OFC regarding boycotts, including but not limited to  
4 any previous boycott policies and/or procedures and any changes to such policies and/or  
5 procedures.

6           **RESPONSE:**

7  
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9  
10           **REQUEST FOR PRODUCTION NO. 4.:** To the extent not produced in  
11 response to a prior request for production, please produce all communications between  
12 yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any  
13 product or products, including but not limited to communications relating to the boycott  
14 policies and procedures of OFC.

15           **RESPONSE:**

16  
17  
18           **REQUEST FOR PRODUCTION NO. 5.:** Please produce all documents  
19 identified in your Answer to Interrogatory No. 3.

20           **RESPONSE:**

21 INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of  
22 September, 2011.

23 McNAUL EBEL NAWROT & HELGREN PLLC

24 By: 

25 Robert M. Sulkin, WSBA No. 15425  
26 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

1 ANSWERS AND RESPONSES dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

2  
3 By: \_\_\_\_\_  
4 ERIN GENIA, Defendant

5  
6 CERTIFICATION

7 Plaintiffs certify that they have read the foregoing *Plaintiffs' First Discovery*  
8 *Requests to Defendants* and any objections thereto, and the answers, responses and  
9 objections are in compliance with CR 26(g).

10 By: \_\_\_\_\_  
11 \_\_\_\_\_, Attorney for Defendants  
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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

PLAINTIFFS' FIRST DISCOVERY  
REQUESTS TO DEFENDANTS

TO: T.J. JOHNSON, Defendant.

Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan  
Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to  
herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant  
T.J. JOHNSON ("Defendant") respond to the following interrogatories and requests for  
production.

Pursuant to CR 33, you are being served with the original and one copy of the

COPY

1 interrogatories. To facilitate preparation of answers and responses, Plaintiffs will  
2 additionally provide an electronic copy of the document to you by electronic mail at your  
3 request. Please insert your answers on the original in the space provided following each  
4 interrogatory, or use additional pages if necessary. Please serve the completed original on  
5 the undersigned. Each interrogatory is to be answered fully and separately, in writing and  
6 under oath, within 40 days of service upon you.

7 Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the  
8 service thereof, produce for inspection and copying the documents described below at the  
9 offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University  
10 Street, Suite 2700, Seattle, Washington 98101.

#### 11 INSTRUCTIONS AND DEFINITIONS

12 The following definitions and instructions are intended to supplement those set  
13 forth in the Local Civil Rules, and are not intended to broaden such definitions and  
14 instructions.

15 A. The term "Lawsuit" whenever used herein shall be understood to mean the  
16 case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer,*  
17 *derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin*  
18 *Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne;*  
19 *Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer;*  
20 *Julia Sokoloff; and Joellen Reineck Wilhelm,* now pending in Thurston County Superior  
21 Court.

22 B. The terms "you" and "your" whenever used herein shall be understood to  
23 mean Defendant T.J. JOHNSON individually, as well as T.J. JOHNSON's current and  
24 former attorneys, agents, principals, employees, and/or representatives.

25 C. The term "Board of OFC," as used herein, shall be understood to mean the  
26 Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

1 agents, principals, employees, and/or representatives.

2 D. The term "Boycott Policy," as used herein, shall be understood to mean the  
3 policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding  
4 the means, terms, exceptions, and procedures by which OFC shall, "whenever  
5 possible...honor nationally recognized boycotts."

6 E. The term "Israel Boycott," as used herein, shall be understood to mean the  
7 decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

8 F. The term "Divestment," as used herein, shall be understood to mean the  
9 decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

10 G. The term "Israel Boycott and Divestment policies," as used herein, shall be  
11 understood to mean the policies that came into existence as a result of the decisions  
12 described in paragraphs D and E herein.

13 H. These interrogatories and requests for production are intended to be a  
14 continuing obligation upon Defendant to furnish all information requested herein until  
15 final disposition of this case. Corrections and supplemental responses are required as  
16 provided for in the Rules of Civil Procedure. **Plaintiffs will move the Court to exclude**  
17 **the testimony of any person not identified or evidence not disclosed in answers to**  
18 **these interrogatories, and will move to dismiss any claims related to any requested**  
19 **documents within the possession, custody or control of Defendant that Defendant**  
20 **fails to produce or to identify individually on a privilege log in response to these**  
21 **requests, and will move to exclude any other evidence offered by Defendant related**  
22 **to such documents.**

23 I. These requests seek documents and information in the possession, custody,  
24 or control of Defendant, including (by way of example and not limitation) documents and  
25 information in the possession of Defendant's current and former attorneys, agents,  
26 principals, accountants, and appraisers.

1 J. In responding to each request for production, if you do not produce a  
2 document in whole or in part because you are unable to do so, or for any other reason, you  
3 are requested to state the name and address of each person whom you believe has custody,  
4 possession, or control of the document.

5 K. Objections and claims of privilege should not be made in a general, blanket  
6 fashion. Rather, Defendant must indicate which objections or claims of privilege are  
7 asserted with regard to each discovery request. If only part of a discovery request is  
8 objected to, Defendant should indicate which objections or claims of privilege are asserted  
9 with regard to each such part.

10 L. With regard to attorney-client privilege and work product doctrine  
11 objections to interrogatories, describe the factual basis for your claim of privilege,  
12 including relevant dates, persons involved in the communication, subject matters  
13 involved, all persons present when the communications occurred, all persons who have  
14 been told about any of the details of the communication, and other information which  
15 would permit the Court to adjudicate the validity of the claim of privilege.

16 M. With regard to each document withheld upon a claim of attorney-client  
17 privilege or work product doctrine, prepare a document-by-document privilege log stating  
18 the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended  
19 recipient(s), subject matter(s), and persons who have received the document or have been  
20 told about the contents thereof, and other information which would permit the Court to  
21 adjudicate the validity of the claim or privilege. This privilege log must be produced  
22 contemporaneously with the documents produced in response to these requests.

23 N. If you object in part to any request for production, please respond to the  
24 remainder completely.

25 O. In responding to each request for production, please identify by number  
26 each and every request to which the documents are responsive.

1 P. All documents should be produced in the same order as they are kept or  
2 maintained by you in the ordinary course of business and in the manual, booklet, binder,  
3 file, folder, envelope, or other container in which they are ordinarily kept or maintained.  
4 If for any reason the container cannot be produced, produce copies of all labels or other  
5 identifying markings thereon.

6 Q. The term "documents" or "records" are intended to be interchangeable and  
7 to be construed in their broadest sense including, but not limited to any original, recorded,  
8 or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all  
9 non-identical copies of each such writing (whether different from the original because of  
10 notes made on such copy or otherwise), including but not limited to: reports, drafts,  
11 working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings,  
12 schedules, cost sheets and quotation forms, bids, computer-generated and mechanically-  
13 created records, laser disks, compact disks, quotations, transcriptions of telephone  
14 conversations, notes, diaries, printouts, photographs, movies, mechanical or sound  
15 recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams,  
16 tape recordings, transmittal documents, rough letters, revisions, superseded documents,  
17 telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading,  
18 amendments, modifications, revisions, agreements, bills, estimates, statements of account,  
19 claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and  
20 all other manner and form of communication not otherwise expressly described.

21 As noted, the terms "documents" or "records" include, among other information,  
22 information stored in machine-readable form. In determining where responsive documents  
23 in this form might be located, consider whether you have any equipment or media which  
24 contain "documents" as defined herein, including but not limited to:

25 (1) Desktop personal computers (PCs) or workstations; PCs,  
26 workstations, minicomputers, or mainframes used as file servers, application servers, or



1 electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other  
2 portable computers; and home computers used for work-related purposes.

3 (2) Backup disks and tapes, archival disks and tapes, flashdrives, and  
4 other forms of offline storage, whether stored on-site with the computers used to generate  
5 them or off-site in another computer facility or by a third party; and,

6 (3) Electronic mail messages, even if available only on backup or  
7 archive disks or tapes.

8 R. Except as otherwise specified herein, provide responsive machine-readable  
9 information in its original format. All databases should be in either MS Excel or MS  
10 Access. All other files should be in MS Office format, preferably 2000. All e-mail should  
11 be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM.  
12 If you have any questions concerning what constitutes an appropriate format, please  
13 contact counsel for Plaintiffs.

14 S. Unless otherwise specified herein, the term "computer" includes but is not  
15 limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers,  
16 application servers, or electronic mail servers; other minicomputers and mainframes;  
17 laptop, notebook, and other portable computers; and home computers used for work-  
18 related purposes.

19 T. As used herein, the term "backup" includes but is not limited to backup  
20 disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage,  
21 whether stored on-site with the computers used to generate them or off-site in another  
22 computer facility or by a third party.

23 U. As used herein, the phrase "describe" means to set out every aspect of  
24 every fact, circumstance, act, omission, or course of conduct known to you relating in any  
25 way to the matter inquired about, including, without limitation, the date and place thereof,  
26 the identity of each person present, connected therewith, or who has knowledge thereof,

1 the identity of all documents relating thereto, and if anything was said by any person, the  
2 identity of each such person and each such oral statement, and if the oral statement in  
3 whole or in part was contained, reported, summarized or referred to in any documents, the  
4 identity of each such document.

5 V. The term "person" means any individual, partnership, corporation, firm,  
6 association, or other business or legal entity.

7 W. The terms "and" and "or" wherever used herein shall be understood in both  
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12 (a) when used with reference to a natural person, to state his or her full  
13 name, his or her present home address, present business address, present home and  
14 business telephone numbers, occupation, present or last known position, and business  
15 affiliation;

16 (b) when used in reference to any entity, such as a partnership, joint  
17 venture, trust, or corporation, to state the full legal name of such entity, each name under  
18 which such entity does business, the entity's street address, the entity's telephone number,  
19 the identity of the chief operating officer, manager, trustee, or other principal  
20 representative and the identity of those persons employed by or otherwise acting for such  
21 entity who are known or are believed to possess the knowledge or information responsive  
22 to the interrogatory and for which the entity was identified;

23 (c) when used with reference to documents, to state specifically:

24 (i) the type of documents involved (e.g., letter, interoffice  
25 memorandum, etc.), together with information sufficient to enable defendant to  
26 locate the document, such as its date, the name of any addressee, the name of any

1 signer, the title or heading of the documents and its approximate number of pages;  
2 and

3 (ii) the identity of the person last known to have possession of  
4 the document, together with the present or last known location of the document. If  
5 any document was, but is no longer, in your possession, custody or control,  
6 identify the document, state what disposition was made of it and the reason for  
7 such disposition. In lieu of identifying documents, copies may be provided.

8 (d) when used with reference to damages or injuries, to state  
9 specifically:

10 (i) the date on which the damage or injury occurred,  
11 (ii) the monetary value of the damage or injury, and  
12 (iii) any other persons or entities involved in the events or  
13 circumstances giving rise to the alleged damage or injury.

14 (e) when used with reference to a legal action, to state specifically:

15 (i) the date and place each such action was filed, giving the  
16 name of the court and the name of the other party or parties involved, the cause  
17 number, and the names and addresses of the attorneys representing each party;  
18 (ii) a description of the nature of each action; and  
19 (iii) the result of each such action, whether there was an appeal,  
20 the results of the appeal, whether such case was reported and the name, volume  
21 number and page citation of such report.

## 22 INTERROGATORIES

23 INTERROGATORY NO. 1.: Please identify every person who has been a  
24 member of the Board of OFC since April 1993, including all current members of the Board  
25 of OFC.

26 ANSWER:

1           **INTERROGATORY NO. 2.** Please identify every person who was a staff  
2 member of OFC at the time the Israel Boycott and Divestment policies were considered  
3 and/or enacted by the Board of OFC.

4           **ANSWER:**

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8           **INTERROGATORY NO. 3.** Please identify every communication from a staff  
9 member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the  
10 Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted  
11 by the Board of OFC.

12           **ANSWER:**

13  
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16           **INTERROGATORY NO. 4.** Please identify any expert witness you expect to  
17 call at trial and, as to each such witness, provide:

- 18           (a) The person's name, occupation, title, business address, area of  
19 specialization, if any, and professional relationship to you;
- 20           (b) The subject matter on which the person is expected to testify;
- 21           (c) The substance of the facts and opinions to which the person is expected to  
22 testify and a summary of the grounds for each opinion;
- 23           (d) All data or other information considered by the person in forming his or her  
24 opinions;
- 25           (e) A statement of the person's qualifications, including a list of all  
26 publications authored by the person in the past 10 years;
- (f) The identity of any exhibits to be used as a summary of or support for the  
              person's opinions;
- (g) The compensation to be paid to the person in connection with his or her  
              work as an expert witness; and

1 (h) A list of all other cases in which the person has testified by deposition or at  
2 trial and the identity of the attorneys who questioned the person.

3 ANSWER:

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6  
7 REQUESTS FOR PRODUCTION

8 REQUEST FOR PRODUCTION NO. 1.: Please produce all documents that  
9 relate in any way to boycotting and/or divesting from Israel, including but not limited to  
10 all documents that were considered by the Board of OFC in enacting the Israel Boycott  
11 and Divestment policies; all committee or Board minutes relating to the Israel Boycott and  
12 Divestment policies; notes and comments relating to those minutes; and all documents  
13 that reference or discuss the policies and/or procedures considered and/or followed by the  
14 Board of OFC in enacting the Israel Boycott and Divestment policies.

15 RESPONSE:

16  
17  
18  
19 REQUEST FOR PRODUCTION NO. 2.: To the extent not produced in  
20 response to a prior request for production, please produce all documents relating to any  
21 effort or consideration given by the Board of OFC to boycotting products of any country  
22 or geographic area other than Israel—whether such boycott was enacted or not—including  
23 but not limited to all documents that reference or discuss the policies and/or procedures  
24 considered and/or followed by the Board of OFC in connection therewith.

25 RESPONSE:

1           **REQUEST FOR PRODUCTION NO. 3:** To the extent not produced in  
2 response to a prior request for production, please produce all documents that relate in any  
3 way to the rules and/or procedures of OFC regarding boycotts, including but not limited to  
4 any previous boycott policies and/or procedures and any changes to such policies and/or  
5 procedures.

6           **RESPONSE:**

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10           **REQUEST FOR PRODUCTION NO. 4:** To the extent not produced in  
11 response to a prior request for production, please produce all communications between  
12 yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any  
13 product or products, including but not limited to communications relating to the boycott  
14 policies and procedures of OFC.

15           **RESPONSE:**

16  
17  
18           **REQUEST FOR PRODUCTION NO. 5:** Please produce all documents  
19 identified in your Answer to Interrogatory No. 3.

20           **RESPONSE:**

21 INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of  
22 September, 2011.

23           McNAUL EBEL NAWROT & HELGREN PLLC

24 By: 

25           Robert M. Sulkin, WSBA No. 15425  
26           Avi J. Lipman, WSBA No. 37661

            Attorneys for Plaintiffs

1 ANSWERS AND RESPONSES dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

2  
3 By: \_\_\_\_\_  
4 T.J. JOHNSON, Defendant

5  
6 CERTIFICATION

7 Plaintiffs certify that they have read the foregoing *Plaintiffs' First Discovery*  
8 *Requests to Defendants* and any objections thereto, and the answers, responses and  
9 objections are in compliance with CR 26(g).

10 By: \_\_\_\_\_  
11 \_\_\_\_\_, Attorney for Defendants  
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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

PLAINTIFFS' FIRST DISCOVERY  
REQUESTS TO DEFENDANTS

TO: JAYNE KASZYNSKI, Defendant.

Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan  
Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to  
herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant  
JAYNE KASZYNSKI ("Defendant") respond to the following interrogatories and  
requests for production.

Pursuant to CR 33, you are being served with the original and one copy of the

COPY

1 interrogatories. To facilitate preparation of answers and responses, Plaintiffs will  
2 additionally provide an electronic copy of the document to you by electronic mail at your  
3 request. Please insert your answers on the original in the space provided following each  
4 interrogatory, or use additional pages if necessary. Please serve the completed original on  
5 the undersigned. Each interrogatory is to be answered fully and separately, in writing and  
6 under oath, within 40 days of service upon you.

7 Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the  
8 service thereof, produce for inspection and copying the documents described below at the  
9 offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University  
10 Street, Suite 2700, Seattle, Washington 98101.

### 11 INSTRUCTIONS AND DEFINITIONS

12 The following definitions and instructions are intended to supplement those set  
13 forth in the Local Civil Rules, and are not intended to broaden such definitions and  
14 instructions.

15 A. The term "Lawsuit" whenever used herein shall be understood to mean the  
16 case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer,*  
17 *derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin*  
18 *Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne;*  
19 *Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer;*  
20 *Julia Sokoloff; and Joellen Reineck Wilhelm,* now pending in Thurston County Superior  
21 Court.

22 B. The terms "you" and "your" whenever used herein shall be understood to  
23 mean Defendant JAYNE KASZYNSKI individually, as well as JAYNE KASZYNSKI's  
24 current and former attorneys, agents, principals, employees, and/or representatives.

25 C. The term "Board of OFC," as used herein, shall be understood to mean the  
26 Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

1 agents, principals, employees, and/or representatives.

2 D. The term "Boycott Policy," as used herein, shall be understood to mean the  
3 policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding  
4 the means, terms, exceptions, and procedures by which OFC shall, "whenever  
5 possible...honor nationally recognized boycotts."

6 E. The term "Israel Boycott," as used herein, shall be understood to mean the  
7 decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

8 F. The term "Divestment," as used herein, shall be understood to mean the  
9 decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

10 G. The term "Israel Boycott and Divestment policies," as used herein, shall be  
11 understood to mean the policies that came into existence as a result of the decisions  
12 described in paragraphs D and E herein.

13 H. These interrogatories and requests for production are intended to be a  
14 continuing obligation upon Defendant to furnish all information requested herein until  
15 final disposition of this case. Corrections and supplemental responses are required as  
16 provided for in the Rules of Civil Procedure. **Plaintiffs will move the Court to exclude**  
17 **the testimony of any person not identified or evidence not disclosed in answers to**  
18 **these interrogatories, and will move to dismiss any claims related to any requested**  
19 **documents within the possession, custody or control of Defendant that Defendant**  
20 **fails to produce or to identify individually on a privilege log in response to these**  
21 **requests, and will move to exclude any other evidence offered by Defendant related**  
22 **to such documents.**

23 I. These requests seek documents and information in the possession, custody,  
24 or control of Defendant, including (by way of example and not limitation) documents and  
25 information in the possession of Defendant's current and former attorneys, agents,  
26 principals, accountants, and appraisers.

1 J. In responding to each request for production, if you do not produce a  
2 document in whole or in part because you are unable to do so, or for any other reason, you  
3 are requested to state the name and address of each person whom you believe has custody,  
4 possession, or control of the document.

5 K. Objections and claims of privilege should not be made in a general, blanket  
6 fashion. Rather, Defendant must indicate which objections or claims of privilege are  
7 asserted with regard to each discovery request. If only part of a discovery request is  
8 objected to, Defendant should indicate which objections or claims of privilege are asserted  
9 with regard to each such part.

10 L. With regard to attorney-client privilege and work product doctrine  
11 objections to interrogatories, describe the factual basis for your claim of privilege,  
12 including relevant dates, persons involved in the communication, subject matters  
13 involved, all persons present when the communications occurred, all persons who have  
14 been told about any of the details of the communication, and other information which  
15 would permit the Court to adjudicate the validity of the claim of privilege.

16 M. With regard to each document withheld upon a claim of attorney-client  
17 privilege or work product doctrine, prepare a document-by-document privilege log stating  
18 the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended  
19 recipient(s), subject matter(s), and persons who have received the document or have been  
20 told about the contents thereof, and other information which would permit the Court to  
21 adjudicate the validity of the claim or privilege. This privilege log must be produced  
22 contemporaneously with the documents produced in response to these requests.

23 N. If you object in part to any request for production, please respond to the  
24 remainder completely.

25 O. In responding to each request for production, please identify by number  
26 each and every request to which the documents are responsive.

1 P. All documents should be produced in the same order as they are kept or  
2 maintained by you in the ordinary course of business and in the manual, booklet, binder,  
3 file, folder, envelope, or other container in which they are ordinarily kept or maintained.  
4 If for any reason the container cannot be produced, produce copies of all labels or other  
5 identifying markings thereon.

6 Q. The term "documents" or "records" are intended to be interchangeable and  
7 to be construed in their broadest sense including, but not limited to any original, recorded,  
8 or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all  
9 non-identical copies of each such writing (whether different from the original because of  
10 notes made on such copy or otherwise), including but not limited to: reports, drafts,  
11 working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings,  
12 schedules, cost sheets and quotation forms, bids, computer-generated and mechanically-  
13 created records, laser disks, compact disks, quotations, transcriptions of telephone  
14 conversations, notes, diaries, printouts, photographs, movies, mechanical or sound  
15 recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams,  
16 tape recordings, transmittal documents, rough letters, revisions, superseded documents,  
17 telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading,  
18 amendments, modifications, revisions, agreements, bills, estimates, statements of account,  
19 claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and  
20 all other manner and form of communication not otherwise expressly described.

21 As noted, the terms "documents" or "records" include, among other information,  
22 information stored in machine-readable form. In determining where responsive documents  
23 in this form might be located, consider whether you have any equipment or media which  
24 contain "documents" as defined herein, including but not limited to:

25 (1) Desktop personal computers (PCs) or workstations; PCs,  
26 workstations, minicomputers, or mainframes used as file servers, application servers, or

1 electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other  
2 portable computers; and home computers used for work-related purposes.

3 (2) Backup disks and tapes, archival disks and tapes, flashdrives, and  
4 other forms of offline storage, whether stored on-site with the computers used to generate  
5 them or off-site in another computer facility or by a third party; and,

6 (3) Electronic mail messages, even if available only on backup or  
7 archive disks or tapes.

8 R. Except as otherwise specified herein, provide responsive machine-readable  
9 information in its original format. All databases should be in either MS Excel or MS  
10 Access. All other files should be in MS Office format, preferably 2000. All e-mail should  
11 be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM.  
12 If you have any questions concerning what constitutes an appropriate format, please  
13 contact counsel for Plaintiffs.

14 S. Unless otherwise specified herein, the term "computer" includes but is not  
15 limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers,  
16 application servers, or electronic mail servers; other minicomputers and mainframes;  
17 laptop, notebook, and other portable computers; and home computers used for work-  
18 related purposes.

19 T. As used herein, the term "backup" includes but is not limited to backup  
20 disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage,  
21 whether stored on-site with the computers used to generate them or off-site in another  
22 computer facility or by a third party.

23 U. As used herein, the phrase "describe" means to set out every aspect of  
24 every fact, circumstance, act, omission, or course of conduct known to you relating in any  
25 way to the matter inquired about, including, without limitation, the date and place thereof,  
26 the identity of each person present, connected therewith, or who has knowledge thereof,

1 the identity of all documents relating thereto, and if anything was said by any person, the  
2 identity of each such person and each such oral statement, and if the oral statement in  
3 whole or in part was contained, reported, summarized or referred to in any documents, the  
4 identity of each such document.

5 V. The term "person" means any individual, partnership, corporation, firm,  
6 association, or other business or legal entity.

7 W. The terms "and" and "or" wherever used herein shall be understood in both  
8 the conjunctive and disjunctive sense, synonymous with "and/or."

9 X. The terms "any" and "all" wherever used herein shall be understood in  
10 their most inclusive sense, synonymous with "any or all."

11 Y. "Identity" or "identify" means:

12 (a) when used with reference to a natural person, to state his or her full  
13 name, his or her present home address, present business address, present home and  
14 business telephone numbers, occupation, present or last known position, and business  
15 affiliation;

16 (b) when used in reference to any entity, such as a partnership, joint  
17 venture, trust, or corporation, to state the full legal name of such entity, each name under  
18 which such entity does business, the entity's street address, the entity's telephone number,  
19 the identity of the chief operating officer, manager, trustee, or other principal  
20 representative and the identity of those persons employed by or otherwise acting for such  
21 entity who are known or are believed to possess the knowledge or information responsive  
22 to the interrogatory and for which the entity was identified;

23 (c) when used with reference to documents, to state specifically:

24 (i) the type of documents involved (e.g., letter, interoffice  
25 memorandum, etc.), together with information sufficient to enable defendant to  
26 locate the document, such as its date, the name of any addressee, the name of any

1 signer, the title or heading of the documents and its approximate number of pages;  
2 and

3 (ii) the identity of the person last known to have possession of  
4 the document, together with the present or last known location of the document. If  
5 any document was, but is no longer, in your possession, custody or control,  
6 identify the document, state what disposition was made of it and the reason for  
7 such disposition. In lieu of identifying documents, copies may be provided.

8 (d) when used with reference to damages or injuries, to state  
9 specifically:

10 (i) the date on which the damage or injury occurred,

11 (ii) the monetary value of the damage or injury, and

12 (iii) any other persons or entities involved in the events or  
13 circumstances giving rise to the alleged damage or injury.

14 (e) when used with reference to a legal action, to state specifically:

15 (i) the date and place each such action was filed, giving the  
16 name of the court and the name of the other party or parties involved, the cause  
17 number, and the names and addresses of the attorneys representing each party;

18 (ii) a description of the nature of each action; and

19 (iii) the result of each such action, whether there was an appeal,  
20 the results of the appeal, whether such case was reported and the name, volume  
21 number and page citation of such report.

22 **INTERROGATORIES**

23 **INTERROGATORY NO. 1:** Please identify every person who has been a  
24 member of the Board of OFC since April 1993, including all current members of the Board  
25 of OFC.

26 **ANSWER:**



1           **INTERROGATORY NO. 2.** Please identify every person who was a staff  
2 member of OFC at the time the Israel Boycott and Divestment policies were considered  
3 and/or enacted by the Board of OFC.

4           **ANSWER:**

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8           **INTERROGATORY NO. 3.** Please identify every communication from a staff  
9 member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the  
10 Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted  
11 by the Board of OFC.

12           **ANSWER:**

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16           **INTERROGATORY NO. 4.** Please identify any expert witness you expect to  
17 call at trial and, as to each such witness, provide:

- 18           (a) The person's name, occupation, title, business address, area of  
19 specialization, if any, and professional relationship to you;
- 20           (b) The subject matter on which the person is expected to testify;
- 21           (c) The substance of the facts and opinions to which the person is expected to  
22 testify and a summary of the grounds for each opinion;
- 23           (d) All data or other information considered by the person in forming his or her  
24 opinions;
- 25           (e) A statement of the person's qualifications, including a list of all  
26 publications authored by the person in the past 10 years;
- (f) The identity of any exhibits to be used as a summary of or support for the  
             person's opinions;
- (g) The compensation to be paid to the person in connection with his or her  
             work as an expert witness; and

1 (h) A list of all other cases in which the person has testified by deposition or at  
2 trial and the identity of the attorneys who questioned the person.

3 ANSWER:

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7 **REQUESTS FOR PRODUCTION**

8 **REQUEST FOR PRODUCTION NO. 1:** Please produce all documents that  
9 relate in any way to boycotting and/or divesting from Israel, including but not limited to  
10 all documents that were considered by the Board of OFC in enacting the Israel Boycott  
11 and Divestment policies; all committee or Board minutes relating to the Israel Boycott and  
12 Divestment policies; notes and comments relating to those minutes; and all documents  
13 that reference or discuss the policies and/or procedures considered and/or followed by the  
14 Board of OFC in enacting the Israel Boycott and Divestment policies.

15 RESPONSE:

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19 **REQUEST FOR PRODUCTION NO. 2:** To the extent not produced in  
20 response to a prior request for production, please produce all documents relating to any  
21 effort or consideration given by the Board of OFC to boycotting products of any country  
22 or geographic area other than Israel—whether such boycott was enacted or not—including  
23 but not limited to all documents that reference or discuss the policies and/or procedures  
24 considered and/or followed by the Board of OFC in connection therewith.

25 RESPONSE:

1           **REQUEST FOR PRODUCTION NO. 3.** To the extent not produced in  
2 response to a prior request for production, please produce all documents that relate in any  
3 way to the rules and/or procedures of OFC regarding boycotts, including but not limited to  
4 any previous boycott policies and/or procedures and any changes to such policies and/or  
5 procedures.

6           **RESPONSE:**

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10           **REQUEST FOR PRODUCTION NO. 4.** To the extent not produced in  
11 response to a prior request for production, please produce all communications between  
12 yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any  
13 product or products, including but not limited to communications relating to the boycott  
14 policies and procedures of OFC.

15           **RESPONSE:**

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18           **REQUEST FOR PRODUCTION NO. 5.** Please produce all documents  
19 identified in your Answer to Interrogatory No. 3.

20           **RESPONSE:**

21 INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of  
22 September, 2011.

23 McNAUL EBEL NAWROT & HELGREN PLLC

24 By: 

25 Robert M. Sulkin, WSBA No. 15425

26 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

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ANSWERS AND RESPONSES dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

By: \_\_\_\_\_  
JAYNE KASZYNSKI, Defendant

CERTIFICATION

Plaintiffs certify that they have read the foregoing *Plaintiffs' First Discovery Requests to Defendants* and any objections thereto, and the answers, responses and objections are in compliance with CR 26(g).

By: \_\_\_\_\_  
\_\_\_\_\_, Attorney for Defendants



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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

GRACE COX; ROCHELLE GAUSE;  
ERIN GENIA; T.J. JOHNSON; JAYNE  
KASZYNSKI; JACKIE KRZYZEK;  
JESSICA LAING; RON LAVIGNE;  
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NASON; JOHN REGAN; ROB  
RICHARDS; SUZANNE SHAFER; JULIA  
SOKOLOFF; and JOELLEN REINECK  
WILHELM,

Defendants.

No. 11-2-01925-7

PLAINTIFFS' FIRST DISCOVERY  
REQUESTS TO DEFENDANTS

TO: JACKIE KRZYZEK, Defendant.

Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan  
Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to  
herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant  
JACKIE KRZYZEK ("Defendant") respond to the following interrogatories and requests  
for production.

Pursuant to CR 33, you are being served with the original and one copy of the

ORIGINAL

1 interrogatories. To facilitate preparation of answers and responses, Plaintiffs will  
2 additionally provide an electronic copy of the document to you by electronic mail at your  
3 request. Please insert your answers on the original in the space provided following each  
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6 under oath, within 40 days of service upon you.

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19 *Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer;*  
20 *Julia Sokoloff; and Joellen Reineck Wilhelm,* now pending in Thurston County Superior  
21 Court.

22 B. The terms "you" and "your" whenever used herein shall be understood to  
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24 current and former attorneys, agents, principals, employees, and/or representatives.

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1 agents, principals, employees, and/or representatives.

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18 **these interrogatories, and will move to dismiss any claims related to any requested**  
19 **documents within the possession, custody or control of Defendant that Defendant**  
20 **fails to produce or to identify individually on a privilege log in response to these**  
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22 **to such documents.**

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1 J. In responding to each request for production, if you do not produce a  
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10 notes made on such copy or otherwise), including but not limited to: reports, drafts,  
11 working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings,  
12 schedules, cost sheets and quotation forms, bids, computer-generated and mechanically-  
13 created records, laser disks, compact disks, quotations, transcriptions of telephone  
14 conversations, notes, diaries, printouts, photographs, movies, mechanical or sound  
15 recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams,  
16 tape recordings, transmittal documents, rough letters, revisions, superseded documents,  
17 telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading,  
18 amendments, modifications, revisions, agreements, bills, estimates, statements of account,  
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4 other forms of offline storage, whether stored on-site with the computers used to generate  
5 them or off-site in another computer facility or by a third party; and,

6 (3) Electronic mail messages, even if available only on backup or  
7 archive disks or tapes.

8 R. Except as otherwise specified herein, provide responsive machine-readable  
9 information in its original format. All databases should be in either MS Excel or MS  
10 Access. All other files should be in MS Office format, preferably 2000. All e-mail should  
11 be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM.  
12 If you have any questions concerning what constitutes an appropriate format, please  
13 contact counsel for Plaintiffs.

14 S. Unless otherwise specified herein, the term "computer" includes but is not  
15 limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers,  
16 application servers, or electronic mail servers; other minicomputers and mainframes;  
17 laptop, notebook, and other portable computers; and home computers used for work-  
18 related purposes.

19 T. As used herein, the term "backup" includes but is not limited to backup  
20 disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage,  
21 whether stored on-site with the computers used to generate them or off-site in another  
22 computer facility or by a third party.

23 U. As used herein, the phrase "describe" means to set out every aspect of  
24 every fact, circumstance, act, omission, or course of conduct known to you relating in any  
25 way to the matter inquired about, including, without limitation, the date and place thereof,  
26 the identity of each person present, connected therewith, or who has knowledge thereof,

1 the identity of all documents relating thereto, and if anything was said by any person, the  
2 identity of each such person and each such oral statement, and if the oral statement in  
3 whole or in part was contained, reported, summarized or referred to in any documents, the  
4 identity of each such document.

5 V. The term "person" means any individual, partnership, corporation, firm,  
6 association, or other business or legal entity.

7 W. The terms "and" and "or" wherever used herein shall be understood in both  
8 the conjunctive and disjunctive sense, synonymous with "and/or."

9 X. The terms "any" and "all" wherever used herein shall be understood in  
10 their most inclusive sense, synonymous with "any or all."

11 Y. "Identity" or "identify" means:

12 (a) when used with reference to a natural person, to state his or her full  
13 name, his or her present home address, present business address, present home and  
14 business telephone numbers, occupation, present or last known position, and business  
15 affiliation;

16 (b) when used in reference to any entity, such as a partnership, joint  
17 venture, trust, or corporation, to state the full legal name of such entity, each name under  
18 which such entity does business, the entity's street address, the entity's telephone number,  
19 the identity of the chief operating officer, manager, trustee, or other principal  
20 representative and the identity of those persons employed by or otherwise acting for such  
21 entity who are known or are believed to possess the knowledge or information responsive  
22 to the interrogatory and for which the entity was identified;

23 (c) when used with reference to documents, to state specifically:

24 (i) the type of documents involved (e.g., letter, interoffice  
25 memorandum, etc.), together with information sufficient to enable defendant to  
26 locate the document, such as its date, the name of any addressee, the name of any

1 signer, the title or heading of the documents and its approximate number of pages;  
2 and

3 (ii) the identity of the person last known to have possession of  
4 the document, together with the present or last known location of the document. If  
5 any document was, but is no longer, in your possession, custody or control,  
6 identify the document, state what disposition was made of it and the reason for  
7 such disposition. In lieu of identifying documents, copies may be provided.

8 (d) when used with reference to damages or injuries, to state  
9 specifically:

10 (i) the date on which the damage or injury occurred,  
11 (ii) the monetary value of the damage or injury, and  
12 (iii) any other persons or entities involved in the events or  
13 circumstances giving rise to the alleged damage or injury.

14 (e) when used with reference to a legal action, to state specifically:

15 (i) the date and place each such action was filed, giving the  
16 name of the court and the name of the other party or parties involved, the cause  
17 number, and the names and addresses of the attorneys representing each party;  
18 (ii) a description of the nature of each action; and  
19 (iii) the result of each such action, whether there was an appeal,  
20 the results of the appeal, whether such case was reported and the name, volume  
21 number and page citation of such report.

## 22 INTERROGATORIES

23 INTERROGATORY NO. 1.: Please identify every person who has been a  
24 member of the Board of OFC since April 1993, including all current members of the Board  
25 of OFC.

26 ANSWER:

1           **INTERROGATORY NO. 2.:** Please identify every person who was a staff  
2 member of OFC at the time the Israel Boycott and Divestment policies were considered  
3 and/or enacted by the Board of OFC.

4           **ANSWER:**  
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8           **INTERROGATORY NO. 3.:** Please identify every communication from a staff  
9 member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the  
10 Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted  
11 by the Board of OFC.

12           **ANSWER:**  
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14  
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16           **INTERROGATORY NO. 4.:** Please identify any expert witness you expect to  
17 call at trial and, as to each such witness, provide:

- 18           (a) The person's name, occupation, title, business address, area of  
19 specialization, if any, and professional relationship to you;  
20           (b) The subject matter on which the person is expected to testify;  
21           (c) The substance of the facts and opinions to which the person is expected to  
22 testify and a summary of the grounds for each opinion;  
23           (d) All data or other information considered by the person in forming his or her  
24 opinions;  
25           (e) A statement of the person's qualifications, including a list of all  
26 publications authored by the person in the past 10 years;  
              (f) The identity of any exhibits to be used as a summary of or support for the  
              person's opinions;  
              (g) The compensation to be paid to the person in connection with his or her  
              work as an expert witness; and

1 (h) A list of all other cases in which the person has testified by deposition or at  
2 trial and the identity of the attorneys who questioned the person.

3 ANSWER:  
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5  
6

7 **REQUESTS FOR PRODUCTION**

8 **REQUEST FOR PRODUCTION NO. 1.:** Please produce all documents that  
9 relate in any way to boycotting and/or divesting from Israel, including but not limited to  
10 all documents that were considered by the Board of OFC in enacting the Israel Boycott  
11 and Divestment policies; all committee or Board minutes relating to the Israel Boycott and  
12 Divestment policies; notes and comments relating to those minutes; and all documents  
13 that reference or discuss the policies and/or procedures considered and/or followed by the  
14 Board of OFC in enacting the Israel Boycott and Divestment policies.

15 RESPONSE:  
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19 **REQUEST FOR PRODUCTION NO. 2.:** To the extent not produced in  
20 response to a prior request for production, please produce all documents relating to any  
21 effort or consideration given by the Board of OFC to boycotting products of any country  
22 or geographic area other than Israel—whether such boycott was enacted or not—including  
23 but not limited to all documents that reference or discuss the policies and/or procedures  
24 considered and/or followed by the Board of OFC in connection therewith.

25 RESPONSE:  
26

1           **REQUEST FOR PRODUCTION NO. 3:** To the extent not produced in  
2 response to a prior request for production, please produce all documents that relate in any  
3 way to the rules and/or procedures of OFC regarding boycotts, including but not limited to  
4 any previous boycott policies and/or procedures and any changes to such policies and/or  
5 procedures.

6           **RESPONSE:**

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10           **REQUEST FOR PRODUCTION NO. 4:** To the extent not produced in  
11 response to a prior request for production, please produce all communications between  
12 yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any  
13 product or products, including but not limited to communications relating to the boycott  
14 policies and procedures of OFC.

15           **RESPONSE:**

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18           **REQUEST FOR PRODUCTION NO. 5:** Please produce all documents  
19 identified in your Answer to Interrogatory No. 3.

20           **RESPONSE:**

21 INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of  
22 September, 2011.

23 McNAUL EBEL NAWROT & HELGREN PLLC

24 By: 

25 Robert M. Sulkin, WSBA No. 15425  
26 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs



1 ANSWERS AND RESPONSES dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

2  
3 By: \_\_\_\_\_  
4 JACKIE KRZYZEK, Defendant

5  
6 CERTIFICATION

7 Plaintiffs certify that they have read the foregoing *Plaintiffs' First Discovery*  
8 *Requests to Defendants* and any objections thereto, and the answers, responses and  
9 objections are in compliance with CR 26(g).

10 By: \_\_\_\_\_  
11 \_\_\_\_\_, Attorney for Defendants  
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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

PLAINTIFFS' FIRST DISCOVERY  
REQUESTS TO DEFENDANTS

TO: RON LAVIGNE, Defendant.

Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan  
Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to  
herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant  
RON LAVIGNE ("Defendant") respond to the following interrogatories and requests for  
production.

Pursuant to CR 33, you are being served with the original and one copy of the



1 interrogatories. To facilitate preparation of answers and responses, Plaintiffs will  
2 additionally provide an electronic copy of the document to you by electronic mail at your  
3 request. Please insert your answers on the original in the space provided following each  
4 interrogatory, or use additional pages if necessary. Please serve the completed original on  
5 the undersigned. Each interrogatory is to be answered fully and separately, in writing and  
6 under oath, within 40 days of service upon you.

7 Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the  
8 service thereof, produce for inspection and copying the documents described below at the  
9 offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University  
10 Street, Suite 2700, Seattle, Washington 98101.

### 11 INSTRUCTIONS AND DEFINITIONS

12 The following definitions and instructions are intended to supplement those set  
13 forth in the Local Civil Rules, and are not intended to broaden such definitions and  
14 instructions.

15 A. The term "Lawsuit" whenever used herein shall be understood to mean the  
16 case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer,*  
17 *derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin*  
18 *Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne;*  
19 *Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer;*  
20 *Julia Sokoloff; and Joellen Reineck Wilhelm,* now pending in Thurston County Superior  
21 Court.

22 B. The terms "you" and "your" whenever used herein shall be understood to  
23 mean Defendant RON LAVIGNE individually, as well as RON LAVIGNE's current and  
24 former attorneys, agents, principals, employees, and/or representatives.

25 C. The term "Board of OFC," as used herein, shall be understood to mean the  
26 Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

1 agents, principals, employees, and/or representatives.

2 D. The term “Boycott Policy,” as used herein, shall be understood to mean the  
3 policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding  
4 the means, terms, exceptions, and procedures by which OFC shall, “whenever  
5 possible...honor nationally recognized boycotts.”

6 E. The term “Israel Boycott,” as used herein, shall be understood to mean the  
7 decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

8 F. The term “Divestment,” as used herein, shall be understood to mean the  
9 decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

10 G. The term “Israel Boycott and Divestment policies,” as used herein, shall be  
11 understood to mean the policies that came into existence as a result of the decisions  
12 described in paragraphs D and E herein.

13 H. These interrogatories and requests for production are intended to be a  
14 continuing obligation upon Defendant to furnish all information requested herein until  
15 final disposition of this case. Corrections and supplemental responses are required as  
16 provided for in the Rules of Civil Procedure. **Plaintiffs will move the Court to exclude**  
17 **the testimony of any person not identified or evidence not disclosed in answers to**  
18 **these interrogatories, and will move to dismiss any claims related to any requested**  
19 **documents within the possession, custody or control of Defendant that Defendant**  
20 **fails to produce or to identify individually on a privilege log in response to these**  
21 **requests, and will move to exclude any other evidence offered by Defendant related**  
22 **to such documents.**

23 I. These requests seek documents and information in the possession, custody,  
24 or control of Defendant, including (by way of example and not limitation) documents and  
25 information in the possession of Defendant’s current and former attorneys, agents,  
26 principals, accountants, and appraisers.

1 J. In responding to each request for production, if you do not produce a  
2 document in whole or in part because you are unable to do so, or for any other reason, you  
3 are requested to state the name and address of each person whom you believe has custody,  
4 possession, or control of the document.

5 K. Objections and claims of privilege should not be made in a general, blanket  
6 fashion. Rather, Defendant must indicate which objections or claims of privilege are  
7 asserted with regard to each discovery request. If only part of a discovery request is  
8 objected to, Defendant should indicate which objections or claims of privilege are asserted  
9 with regard to each such part.

10 L. With regard to attorney-client privilege and work product doctrine  
11 objections to interrogatories, describe the factual basis for your claim of privilege,  
12 including relevant dates, persons involved in the communication, subject matters  
13 involved, all persons present when the communications occurred, all persons who have  
14 been told about any of the details of the communication, and other information which  
15 would permit the Court to adjudicate the validity of the claim of privilege.

16 M. With regard to each document withheld upon a claim of attorney-client  
17 privilege or work product doctrine, prepare a document-by-document privilege log stating  
18 the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended  
19 recipient(s), subject matter(s), and persons who have received the document or have been  
20 told about the contents thereof, and other information which would permit the Court to  
21 adjudicate the validity of the claim or privilege. This privilege log must be produced  
22 contemporaneously with the documents produced in response to these requests.

23 N. If you object in part to any request for production, please respond to the  
24 remainder completely.

25 O. In responding to each request for production, please identify by number  
26 each and every request to which the documents are responsive.

1 P. All documents should be produced in the same order as they are kept or  
2 maintained by you in the ordinary course of business and in the manual, booklet, binder,  
3 file, folder, envelope, or other container in which they are ordinarily kept or maintained.  
4 If for any reason the container cannot be produced, produce copies of all labels or other  
5 identifying markings thereon.

6 Q. The term “documents” or “records” are intended to be interchangeable and  
7 to be construed in their broadest sense including, but not limited to any original, recorded,  
8 or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all  
9 non-identical copies of each such writing (whether different from the original because of  
10 notes made on such copy or otherwise), including but not limited to: reports, drafts,  
11 working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings,  
12 schedules, cost sheets and quotation forms, bids, computer-generated and mechanically-  
13 created records, laser disks, compact disks, quotations, transcriptions of telephone  
14 conversations, notes, diaries, printouts, photographs, movies, mechanical or sound  
15 recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams,  
16 tape recordings, transmittal documents, rough letters, revisions, superseded documents,  
17 telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading,  
18 amendments, modifications, revisions, agreements, bills, estimates, statements of account,  
19 claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and  
20 all other manner and form of communication not otherwise expressly described.

21 As noted, the terms “documents” or “records” include, among other information,  
22 information stored in machine-readable form. In determining where responsive documents  
23 in this form might be located, consider whether you have any equipment or media which  
24 contain “documents” as defined herein, including but not limited to:

25 (1) Desktop personal computers (PCs) or workstations; PCs,  
26 workstations, minicomputers, or mainframes used as file servers, application servers, or

1 electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other  
2 portable computers; and home computers used for work-related purposes.

3 (2) Backup disks and tapes, archival disks and tapes, flashdrives, and  
4 other forms of offline storage, whether stored on-site with the computers used to generate  
5 them or off-site in another computer facility or by a third party; and,

6 (3) Electronic mail messages, even if available only on backup or  
7 archive disks or tapes.

8 R. Except as otherwise specified herein, provide responsive machine-readable  
9 information in its original format. All databases should be in either MS Excel or MS  
10 Access. All other files should be in MS Office format, preferably 2000. All e-mail should  
11 be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM.  
12 If you have any questions concerning what constitutes an appropriate format, please  
13 contact counsel for Plaintiffs.

14 S. Unless otherwise specified herein, the term "computer" includes but is not  
15 limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers,  
16 application servers, or electronic mail servers; other minicomputers and mainframes;  
17 laptop, notebook, and other portable computers; and home computers used for work-  
18 related purposes.

19 T. As used herein, the term "backup" includes but is not limited to backup  
20 disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage,  
21 whether stored on-site with the computers used to generate them or off-site in another  
22 computer facility or by a third party.

23 U. As used herein, the phrase "describe" means to set out every aspect of  
24 every fact, circumstance, act, omission, or course of conduct known to you relating in any  
25 way to the matter inquired about, including, without limitation, the date and place thereof,  
26 the identity of each person present, connected therewith, or who has knowledge thereof,



1 the identity of all documents relating thereto, and if anything was said by any person, the  
2 identity of each such person and each such oral statement, and if the oral statement in  
3 whole or in part was contained, reported, summarized or referred to in any documents, the  
4 identity of each such document.

5 V. The term “person” means any individual, partnership, corporation, firm,  
6 association, or other business or legal entity.

7 W. The terms “and” and “or” wherever used herein shall be understood in both  
8 the conjunctive and disjunctive sense, synonymous with “and/or.”

9 X. The terms “any” and “all” wherever used herein shall be understood in  
10 their most inclusive sense, synonymous with “any or all.”

11 Y. “Identity” or “identify” means:

12 (a) when used with reference to a natural person, to state his or her full  
13 name, his or her present home address, present business address, present home and  
14 business telephone numbers, occupation, present or last known position, and business  
15 affiliation;

16 (b) when used in reference to any entity, such as a partnership, joint  
17 venture, trust, or corporation, to state the full legal name of such entity, each name under  
18 which such entity does business, the entity’s street address, the entity’s telephone number,  
19 the identity of the chief operating officer, manager, trustee, or other principal  
20 representative and the identity of those persons employed by or otherwise acting for such  
21 entity who are known or are believed to possess the knowledge or information responsive  
22 to the interrogatory and for which the entity was identified;

23 (c) when used with reference to documents, to state specifically:

24 (i) the type of documents involved (e.g., letter, interoffice  
25 memorandum, etc.), together with information sufficient to enable defendant to  
26 locate the document, such as its date, the name of any addressee, the name of any

1 signer, the title or heading of the documents and its approximate number of pages;  
2 and

3 (ii) the identity of the person last known to have possession of  
4 the document, together with the present or last known location of the document. If  
5 any document was, but is no longer, in your possession, custody or control,  
6 identify the document, state what disposition was made of it and the reason for  
7 such disposition. In lieu of identifying documents, copies may be provided.

8 (d) when used with reference to damages or injuries, to state  
9 specifically:

10 (i) the date on which the damage or injury occurred,  
11 (ii) the monetary value of the damage or injury, and  
12 (iii) any other persons or entities involved in the events or  
13 circumstances giving rise to the alleged damage or injury.

14 (e) when used with reference to a legal action, to state specifically:

15 (i) the date and place each such action was filed, giving the  
16 name of the court and the name of the other party or parties involved, the cause  
17 number, and the names and addresses of the attorneys representing each party;  
18 (ii) a description of the nature of each action; and  
19 (iii) the result of each such action, whether there was an appeal,  
20 the results of the appeal, whether such case was reported and the name, volume  
21 number and page citation of such report.

22 **INTERROGATORIES**

23 **INTERROGATORY NO. 1.** Please identify every person who has been a  
24 member of the Board of OFC since April 1993, including all current members of the Board  
25 of OFC.

26 **ANSWER:**

1           **INTERROGATORY NO. 2.:** Please identify every person who was a staff  
2 member of OFC at the time the Israel Boycott and Divestment policies were considered  
3 and/or enacted by the Board of OFC.

4           **ANSWER:**

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8           **INTERROGATORY NO. 3.:** Please identify every communication from a staff  
9 member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the  
10 Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted  
11 by the Board of OFC.

12           **ANSWER:**

13  
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16           **INTERROGATORY NO. 4.:** Please identify any expert witness you expect to  
17 call at trial and, as to each such witness, provide:

- 18           (a) The person's name, occupation, title, business address, area of  
19 specialization, if any, and professional relationship to you;
- 20           (b) The subject matter on which the person is expected to testify;
- 21           (c) The substance of the facts and opinions to which the person is expected to  
22 testify and a summary of the grounds for each opinion;
- 23           (d) All data or other information considered by the person in forming his or her  
24 opinions;
- 25           (e) A statement of the person's qualifications, including a list of all  
26 publications authored by the person in the past 10 years;
- (f) The identity of any exhibits to be used as a summary of or support for the  
            person's opinions;
- (g) The compensation to be paid to the person in connection with his or her  
            work as an expert witness; and

1 (h) A list of all other cases in which the person has testified by deposition or at  
2 trial and the identity of the attorneys who questioned the person.

3 ANSWER:

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7 **REQUESTS FOR PRODUCTION**

8 **REQUEST FOR PRODUCTION NO. 1.:** Please produce all documents that  
9 relate in any way to boycotting and/or divesting from Israel, including but not limited to  
10 all documents that were considered by the Board of OFC in enacting the Israel Boycott  
11 and Divestment policies; all committee or Board minutes relating to the Israel Boycott and  
12 Divestment policies; notes and comments relating to those minutes; and all documents  
13 that reference or discuss the policies and/or procedures considered and/or followed by the  
14 Board of OFC in enacting the Israel Boycott and Divestment policies.

15 RESPONSE:

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19 **REQUEST FOR PRODUCTION NO. 2.:** To the extent not produced in  
20 response to a prior request for production, please produce all documents relating to any  
21 effort or consideration given by the Board of OFC to boycotting products of any country  
22 or geographic area other than Israel—whether such boycott was enacted or not—including  
23 but not limited to all documents that reference or discuss the policies and/or procedures  
24 considered and/or followed by the Board of OFC in connection therewith.

25 RESPONSE:

1           **REQUEST FOR PRODUCTION NO. 3:** To the extent not produced in  
2 response to a prior request for production, please produce all documents that relate in any  
3 way to the rules and/or procedures of OFC regarding boycotts, including but not limited to  
4 any previous boycott policies and/or procedures and any changes to such policies and/or  
5 procedures.

6           **RESPONSE:**

7  
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10           **REQUEST FOR PRODUCTION NO. 4:** To the extent not produced in  
11 response to a prior request for production, please produce all communications between  
12 yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any  
13 product or products, including but not limited to communications relating to the boycott  
14 policies and procedures of OFC.

15           **RESPONSE:**

16  
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18           **REQUEST FOR PRODUCTION NO. 5:** Please produce all documents  
19 identified in your Answer to Interrogatory No. 3.

20           **RESPONSE:**

21 INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of  
22 September, 2011.

23 McNAUL EBEL NAWROT & HELGREN PLLC

24 By: 

25 Robert M. Sulkin, WSBA No. 15425  
26 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

1 ANSWERS AND RESPONSES dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

2  
3 By: \_\_\_\_\_  
4 RON LAVIGNE, Defendant

5  
6 CERTIFICATION

7 Plaintiffs certify that they have read the foregoing *Plaintiffs' First Discovery*  
8 *Requests to Defendants* and any objections thereto, and the answers, responses and  
9 objections are in compliance with CR 26(g).

10 By: \_\_\_\_\_  
11 \_\_\_\_\_, Attorney for Defendants  
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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS

TO: ERIC MAPES, Defendant.

Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant ERIC MAPES ("Defendant") respond to the following interrogatories and requests for production.

Pursuant to CR 33, you are being served with the original and one copy of the





1 interrogatories. To facilitate preparation of answers and responses, Plaintiffs will  
2 additionally provide an electronic copy of the document to you by electronic mail at your  
3 request. Please insert your answers on the original in the space provided following each  
4 interrogatory, or use additional pages if necessary. Please serve the completed original on  
5 the undersigned. Each interrogatory is to be answered fully and separately, in writing and  
6 under oath, within 40 days of service upon you.

7 Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the  
8 service thereof, produce for inspection and copying the documents described below at the  
9 offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University  
10 Street, Suite 2700, Seattle, Washington 98101.

#### 11 INSTRUCTIONS AND DEFINITIONS

12 The following definitions and instructions are intended to supplement those set  
13 forth in the Local Civil Rules, and are not intended to broaden such definitions and  
14 instructions.

15 A. The term "Lawsuit" whenever used herein shall be understood to mean the  
16 case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer,*  
17 *derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin*  
18 *Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne;*  
19 *Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer;*  
20 *Julia Sokoloff; and Joellen Reineck Wilhelm,* now pending in Thurston County Superior  
21 Court.

22 B. The terms "you" and "your" whenever used herein shall be understood to  
23 mean Defendant ERIC MAPES individually, as well as ERIC MAPES's current and  
24 former attorneys, agents, principals, employees, and/or representatives.

25 C. The term "Board of OFC," as used herein, shall be understood to mean the  
26 Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

1 agents, principals, employees, and/or representatives.

2 D. The term "Boycott Policy," as used herein, shall be understood to mean the  
3 policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding  
4 the means, terms, exceptions, and procedures by which OFC shall, "whenever  
5 possible...honor nationally recognized boycotts."

6 E. The term "Israel Boycott," as used herein, shall be understood to mean the  
7 decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

8 F. The term "Divestment," as used herein, shall be understood to mean the  
9 decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

10 G. The term "Israel Boycott and Divestment policies," as used herein, shall be  
11 understood to mean the policies that came into existence as a result of the decisions  
12 described in paragraphs D and E herein.

13 H. These interrogatories and requests for production are intended to be a  
14 continuing obligation upon Defendant to furnish all information requested herein until  
15 final disposition of this case. Corrections and supplemental responses are required as  
16 provided for in the Rules of Civil Procedure. **Plaintiffs will move the Court to exclude**  
17 **the testimony of any person not identified or evidence not disclosed in answers to**  
18 **these interrogatories, and will move to dismiss any claims related to any requested**  
19 **documents within the possession, custody or control of Defendant that Defendant**  
20 **fails to produce or to identify individually on a privilege log in response to these**  
21 **requests, and will move to exclude any other evidence offered by Defendant related**  
22 **to such documents.**

23 I. These requests seek documents and information in the possession, custody,  
24 or control of Defendant, including (by way of example and not limitation) documents and  
25 information in the possession of Defendant's current and former attorneys, agents,  
26 principals, accountants, and appraisers.

1 J. In responding to each request for production, if you do not produce a  
2 document in whole or in part because you are unable to do so, or for any other reason, you  
3 are requested to state the name and address of each person whom you believe has custody,  
4 possession, or control of the document.

5 K. Objections and claims of privilege should not be made in a general, blanket  
6 fashion. Rather, Defendant must indicate which objections or claims of privilege are  
7 asserted with regard to each discovery request. If only part of a discovery request is  
8 objected to, Defendant should indicate which objections or claims of privilege are asserted  
9 with regard to each such part.

10 L. With regard to attorney-client privilege and work product doctrine  
11 objections to interrogatories, describe the factual basis for your claim of privilege,  
12 including relevant dates, persons involved in the communication, subject matters  
13 involved, all persons present when the communications occurred, all persons who have  
14 been told about any of the details of the communication, and other information which  
15 would permit the Court to adjudicate the validity of the claim of privilege.

16 M. With regard to each document withheld upon a claim of attorney-client  
17 privilege or work product doctrine, prepare a document-by-document privilege log stating  
18 the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended  
19 recipient(s), subject matter(s), and persons who have received the document or have been  
20 told about the contents thereof, and other information which would permit the Court to  
21 adjudicate the validity of the claim or privilege. This privilege log must be produced  
22 contemporaneously with the documents produced in response to these requests.

23 N. If you object in part to any request for production, please respond to the  
24 remainder completely.

25 O. In responding to each request for production, please identify by number  
26 each and every request to which the documents are responsive.

1 P. All documents should be produced in the same order as they are kept or  
2 maintained by you in the ordinary course of business and in the manual, booklet, binder,  
3 file, folder, envelope, or other container in which they are ordinarily kept or maintained.  
4 If for any reason the container cannot be produced, produce copies of all labels or other  
5 identifying markings thereon.

6 Q. The term "documents" or "records" are intended to be interchangeable and  
7 to be construed in their broadest sense including, but not limited to any original, recorded,  
8 or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all  
9 non-identical copies of each such writing (whether different from the original because of  
10 notes made on such copy or otherwise), including but not limited to: reports, drafts,  
11 working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings,  
12 schedules, cost sheets and quotation forms, bids, computer-generated and mechanically-  
13 created records, laser disks, compact disks, quotations, transcriptions of telephone  
14 conversations, notes, diaries, printouts, photographs, movies, mechanical or sound  
15 recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams,  
16 tape recordings, transmittal documents, rough letters, revisions, superseded documents,  
17 telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading,  
18 amendments, modifications, revisions, agreements, bills, estimates, statements of account,  
19 claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and  
20 all other manner and form of communication not otherwise expressly described.

21 As noted, the terms "documents" or "records" include, among other information,  
22 information stored in machine-readable form. In determining where responsive documents  
23 in this form might be located, consider whether you have any equipment or media which  
24 contain "documents" as defined herein, including but not limited to:

25 (1) Desktop personal computers (PCs) or workstations; PCs,  
26 workstations, minicomputers, or mainframes used as file servers, application servers, or

1 electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other  
2 portable computers; and home computers used for work-related purposes.

3 (2) Backup disks and tapes, archival disks and tapes, flashdrives, and  
4 other forms of offline storage, whether stored on-site with the computers used to generate  
5 them or off-site in another computer facility or by a third party; and,

6 (3) Electronic mail messages, even if available only on backup or  
7 archive disks or tapes.

8 R. Except as otherwise specified herein, provide responsive machine-readable  
9 information in its original format. All databases should be in either MS Excel or MS  
10 Access. All other files should be in MS Office format, preferably 2000. All e-mail should  
11 be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM.  
12 If you have any questions concerning what constitutes an appropriate format, please  
13 contact counsel for Plaintiffs.

14 S. Unless otherwise specified herein, the term "computer" includes but is not  
15 limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers,  
16 application servers, or electronic mail servers; other minicomputers and mainframes;  
17 laptop, notebook, and other portable computers; and home computers used for work-  
18 related purposes.

19 T. As used herein, the term "backup" includes but is not limited to backup  
20 disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage,  
21 whether stored on-site with the computers used to generate them or off-site in another  
22 computer facility or by a third party.

23 U. As used herein, the phrase "describe" means to set out every aspect of  
24 every fact, circumstance, act, omission, or course of conduct known to you relating in any  
25 way to the matter inquired about, including, without limitation, the date and place thereof,  
26 the identity of each person present, connected therewith, or who has knowledge thereof,

1 the identity of all documents relating thereto, and if anything was said by any person, the  
2 identity of each such person and each such oral statement, and if the oral statement in  
3 whole or in part was contained, reported, summarized or referred to in any documents, the  
4 identity of each such document.

5 V. The term "person" means any individual, partnership, corporation, firm,  
6 association, or other business or legal entity.

7 W. The terms "and" and "or" wherever used herein shall be understood in both  
8 the conjunctive and disjunctive sense, synonymous with "and/or."

9 X. The terms "any" and "all" wherever used herein shall be understood in  
10 their most inclusive sense, synonymous with "any or all."

11 Y. "Identity" or "identify" means:

12 (a) when used with reference to a natural person, to state his or her full  
13 name, his or her present home address, present business address, present home and  
14 business telephone numbers, occupation, present or last known position, and business  
15 affiliation;

16 (b) when used in reference to any entity, such as a partnership, joint  
17 venture, trust, or corporation, to state the full legal name of such entity, each name under  
18 which such entity does business, the entity's street address, the entity's telephone number,  
19 the identity of the chief operating officer, manager, trustee, or other principal  
20 representative and the identity of those persons employed by or otherwise acting for such  
21 entity who are known or are believed to possess the knowledge or information responsive  
22 to the interrogatory and for which the entity was identified;

23 (c) when used with reference to documents, to state specifically:

24 (i) the type of documents involved (e.g., letter, interoffice  
25 memorandum, etc.), together with information sufficient to enable defendant to  
26 locate the document, such as its date, the name of any addressee, the name of any

1 signer, the title or heading of the documents and its approximate number of pages;  
2 and

3 (ii) the identity of the person last known to have possession of  
4 the document, together with the present or last known location of the document. If  
5 any document was, but is no longer, in your possession, custody or control,  
6 identify the document, state what disposition was made of it and the reason for  
7 such disposition. In lieu of identifying documents, copies may be provided.

8 (d) when used with reference to damages or injuries, to state  
9 specifically:

10 (i) the date on which the damage or injury occurred,  
11 (ii) the monetary value of the damage or injury, and  
12 (iii) any other persons or entities involved in the events or  
13 circumstances giving rise to the alleged damage or injury.

14 (e) when used with reference to a legal action, to state specifically:

15 (i) the date and place each such action was filed, giving the  
16 name of the court and the name of the other party or parties involved, the cause  
17 number, and the names and addresses of the attorneys representing each party;  
18 (ii) a description of the nature of each action; and  
19 (iii) the result of each such action, whether there was an appeal,  
20 the results of the appeal, whether such case was reported and the name, volume  
21 number and page citation of such report.

## 22 INTERROGATORIES

23 INTERROGATORY NO. 1.: Please identify every person who has been a  
24 member of the Board of OFC since April 1993, including all current members of the Board  
25 of OFC.

26 ANSWER:

1           **INTERROGATORY NO. 2.** Please identify every person who was a staff  
2 member of OFC at the time the Israel Boycott and Divestment policies were considered  
3 and/or enacted by the Board of OFC.

4           **ANSWER:**

5  
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7  
8           **INTERROGATORY NO. 3.** Please identify every communication from a staff  
9 member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the  
10 Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted  
11 by the Board of OFC.

12           **ANSWER:**

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16           **INTERROGATORY NO. 4.** Please identify any expert witness you expect to  
17 call at trial and, as to each such witness, provide:

- 18           (a) The person's name, occupation, title, business address, area of  
19 specialization, if any, and professional relationship to you;
- 20           (b) The subject matter on which the person is expected to testify;
- 21           (c) The substance of the facts and opinions to which the person is expected to  
22 testify and a summary of the grounds for each opinion;
- 23           (d) All data or other information considered by the person in forming his or her  
24 opinions;
- 25           (e) A statement of the person's qualifications, including a list of all  
26 publications authored by the person in the past 10 years;
- (f) The identity of any exhibits to be used as a summary of or support for the  
            person's opinions;
- (g) The compensation to be paid to the person in connection with his or her  
            work as an expert witness; and



1 (h) A list of all other cases in which the person has testified by deposition or at  
2 trial and the identity of the attorneys who questioned the person.

3 **ANSWER:**

4  
5  
6  
7 **REQUESTS FOR PRODUCTION**

8 **REQUEST FOR PRODUCTION NO. 1:** Please produce all documents that  
9 relate in any way to boycotting and/or divesting from Israel, including but not limited to  
10 all documents that were considered by the Board of OFC in enacting the Israel Boycott  
11 and Divestment policies; all committee or Board minutes relating to the Israel Boycott and  
12 Divestment policies; notes and comments relating to those minutes; and all documents  
13 that reference or discuss the policies and/or procedures considered and/or followed by the  
14 Board of OFC in enacting the Israel Boycott and Divestment policies.

15 **RESPONSE:**

16  
17  
18  
19 **REQUEST FOR PRODUCTION NO. 2:** To the extent not produced in  
20 response to a prior request for production, please produce all documents relating to any  
21 effort or consideration given by the Board of OFC to boycotting products of any country  
22 or geographic area other than Israel—whether such boycott was enacted or not—including  
23 but not limited to all documents that reference or discuss the policies and/or procedures  
24 considered and/or followed by the Board of OFC in connection therewith.

25 **RESPONSE:**

1           **REQUEST FOR PRODUCTION NO. 3.:** To the extent not produced in  
2 response to a prior request for production, please produce all documents that relate in any  
3 way to the rules and/or procedures of OFC regarding boycotts, including but not limited to  
4 any previous boycott policies and/or procedures and any changes to such policies and/or  
5 procedures.

6           **RESPONSE:**

7  
8  
9  
10           **REQUEST FOR PRODUCTION NO. 4.:** To the extent not produced in  
11 response to a prior request for production, please produce all communications between  
12 yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any  
13 product or products, including but not limited to communications relating to the boycott  
14 policies and procedures of OFC.

15           **RESPONSE:**

16  
17  
18           **REQUEST FOR PRODUCTION NO. 5.:** Please produce all documents  
19 identified in your Answer to Interrogatory No. 3.

20           **RESPONSE:**

21 INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of  
22 September, 2011.

23 McNAUL EBEL NAWROT & HELGREN PLLC

24 By: 

25 Robert M. Sulkin, WSBA No. 15425  
26 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

1 ANSWERS AND RESPONSES dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

2  
3 By: \_\_\_\_\_  
4 ERIC MAPES, Defendant

5  
6 CERTIFICATION

7 Plaintiffs certify that they have read the foregoing *Plaintiffs' First Discovery*  
8 *Requests to Defendants* and any objections thereto, and the answers, responses and  
9 objections are in compliance with CR 26(g).

10 By: \_\_\_\_\_  
11 \_\_\_\_\_, Attorney for Defendants  
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26



SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

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14 conversations, notes, diaries, printouts, photographs, movies, mechanical or sound  
15 recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams,  
16 tape recordings, transmittal documents, rough letters, revisions, superseded documents,  
17 telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading,  
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10 their most inclusive sense, synonymous with "any or all."

11 Y. "Identity" or "identify" means:

12 (a) when used with reference to a natural person, to state his or her full  
13 name, his or her present home address, present business address, present home and  
14 business telephone numbers, occupation, present or last known position, and business  
15 affiliation;

16 (b) when used in reference to any entity, such as a partnership, joint  
17 venture, trust, or corporation, to state the full legal name of such entity, each name under  
18 which such entity does business, the entity's street address, the entity's telephone number,  
19 the identity of the chief operating officer, manager, trustee, or other principal  
20 representative and the identity of those persons employed by or otherwise acting for such  
21 entity who are known or are believed to possess the knowledge or information responsive  
22 to the interrogatory and for which the entity was identified;

23 (c) when used with reference to documents, to state specifically:

24 (i) the type of documents involved (e.g., letter, interoffice  
25 memorandum, etc.), together with information sufficient to enable defendant to  
26 locate the document, such as its date, the name of any addressee, the name of any

1 signer, the title or heading of the documents and its approximate number of pages;  
2 and

3 (ii) the identity of the person last known to have possession of  
4 the document, together with the present or last known location of the document. If  
5 any document was, but is no longer, in your possession, custody or control,  
6 identify the document, state what disposition was made of it and the reason for  
7 such disposition. In lieu of identifying documents, copies may be provided.

8 (d) when used with reference to damages or injuries, to state  
9 specifically:

10 (i) the date on which the damage or injury occurred,

11 (ii) the monetary value of the damage or injury, and

12 (iii) any other persons or entities involved in the events or  
13 circumstances giving rise to the alleged damage or injury.

14 (e) when used with reference to a legal action, to state specifically:

15 (i) the date and place each such action was filed, giving the  
16 name of the court and the name of the other party or parties involved, the cause  
17 number, and the names and addresses of the attorneys representing each party;

18 (ii) a description of the nature of each action; and

19 (iii) the result of each such action, whether there was an appeal,  
20 the results of the appeal, whether such case was reported and the name, volume  
21 number and page citation of such report.

## 22 INTERROGATORIES

23 INTERROGATORY NO. 1.: Please identify every person who has been a  
24 member of the Board of OFC since April 1993, including all current members of the Board  
25 of OFC.

26 ANSWER:

1           **INTERROGATORY NO. 2.** Please identify every person who was a staff  
2 member of OFC at the time the Israel Boycott and Divestment policies were considered  
3 and/or enacted by the Board of OFC.

4           **ANSWER:**

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8           **INTERROGATORY NO. 3.** Please identify every communication from a staff  
9 member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the  
10 Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted  
11 by the Board of OFC.

12           **ANSWER:**

13  
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16           **INTERROGATORY NO. 4.** Please identify any expert witness you expect to  
17 call at trial and, as to each such witness, provide:

- 18           (a) The person's name, occupation, title, business address, area of  
19 specialization, if any, and professional relationship to you;
- 20           (b) The subject matter on which the person is expected to testify;
- 21           (c) The substance of the facts and opinions to which the person is expected to  
22 testify and a summary of the grounds for each opinion;
- 23           (d) All data or other information considered by the person in forming his or her  
24 opinions;
- 25           (e) A statement of the person's qualifications, including a list of all  
26 publications authored by the person in the past 10 years;
- (f) The identity of any exhibits to be used as a summary of or support for the  
            person's opinions;
- (g) The compensation to be paid to the person in connection with his or her  
            work as an expert witness; and

1 (h) A list of all other cases in which the person has testified by deposition or at  
2 trial and the identity of the attorneys who questioned the person.

3 ANSWER:

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6  
7 **REQUESTS FOR PRODUCTION**

8 **REQUEST FOR PRODUCTION NO. 1.:** Please produce all documents that  
9 relate in any way to boycotting and/or divesting from Israel, including but not limited to  
10 all documents that were considered by the Board of OFC in enacting the Israel Boycott  
11 and Divestment policies; all committee or Board minutes relating to the Israel Boycott and  
12 Divestment policies; notes and comments relating to those minutes; and all documents  
13 that reference or discuss the policies and/or procedures considered and/or followed by the  
14 Board of OFC in enacting the Israel Boycott and Divestment policies.

15 RESPONSE:

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19 **REQUEST FOR PRODUCTION NO. 2.:** To the extent not produced in  
20 response to a prior request for production, please produce all documents relating to any  
21 effort or consideration given by the Board of OFC to boycotting products of any country  
22 or geographic area other than Israel—whether such boycott was enacted or not—including  
23 but not limited to all documents that reference or discuss the policies and/or procedures  
24 considered and/or followed by the Board of OFC in connection therewith.

25 RESPONSE:

1           **REQUEST FOR PRODUCTION NO. 3:** To the extent not produced in  
2 response to a prior request for production, please produce all documents that relate in any  
3 way to the rules and/or procedures of OFC regarding boycotts, including but not limited to  
4 any previous boycott policies and/or procedures and any changes to such policies and/or  
5 procedures.

6           **RESPONSE:**

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10           **REQUEST FOR PRODUCTION NO. 4:** To the extent not produced in  
11 response to a prior request for production, please produce all communications between  
12 yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any  
13 product or products, including but not limited to communications relating to the boycott  
14 policies and procedures of OFC.

15           **RESPONSE:**

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18           **REQUEST FOR PRODUCTION NO. 5:** Please produce all documents  
19 identified in your Answer to Interrogatory No. 3.

20           **RESPONSE:**

21 INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of  
22 September, 2011.

23 McNAUL EBEL NAWROT & HELGREN PLLC

24 By: 

25 Robert M. Sulkin, WSBA No. 15425  
26 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

1 ANSWERS AND RESPONSES dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

2  
3 By: \_\_\_\_\_  
4 JOHN NASON, Defendant

5  
6 CERTIFICATION

7 Plaintiffs certify that they have read the foregoing *Plaintiffs' First Discovery*  
8 *Requests to Defendants* and any objections thereto, and the answers, responses and  
9 objections are in compliance with CR 26(g).

10 By: \_\_\_\_\_  
11 \_\_\_\_\_, Attorney for Defendants  
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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS

TO: JOHN REGAN, Defendant.

Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant JOHN REGAN ("Defendant") respond to the following interrogatories and requests for production.

Pursuant to CR 33, you are being served with the original and one copy of the

COPY

1 interrogatories. To facilitate preparation of answers and responses, Plaintiffs will  
2 additionally provide an electronic copy of the document to you by electronic mail at your  
3 request. Please insert your answers on the original in the space provided following each  
4 interrogatory, or use additional pages if necessary. Please serve the completed original on  
5 the undersigned. Each interrogatory is to be answered fully and separately, in writing and  
6 under oath, within 40 days of service upon you.

7 Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the  
8 service thereof, produce for inspection and copying the documents described below at the  
9 offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University  
10 Street, Suite 2700, Seattle, Washington 98101.

### 11 INSTRUCTIONS AND DEFINITIONS

12 The following definitions and instructions are intended to supplement those set  
13 forth in the Local Civil Rules, and are not intended to broaden such definitions and  
14 instructions.

15 A. The term "Lawsuit" whenever used herein shall be understood to mean the  
16 case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer,*  
17 *derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin*  
18 *Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne;*  
19 *Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer;*  
20 *Julia Sokoloff; and Joellen Reineck Wilhelm,* now pending in Thurston County Superior  
21 Court.

22 B. The terms "you" and "your" whenever used herein shall be understood to  
23 mean Defendant JOHN REGAN individually, as well as JOHN REGAN's current and  
24 former attorneys, agents, principals, employees, and/or representatives.

25 C. The term "Board of OFC," as used herein, shall be understood to mean the  
26 Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

1 agents, principals, employees, and/or representatives.

2 D. The term “Boycott Policy,” as used herein, shall be understood to mean the  
3 policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding  
4 the means, terms, exceptions, and procedures by which OFC shall, “whenever  
5 possible...honor nationally recognized boycotts.”

6 E. The term “Israel Boycott,” as used herein, shall be understood to mean the  
7 decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

8 F. The term “Divestment,” as used herein, shall be understood to mean the  
9 decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

10 G. The term “Israel Boycott and Divestment policies,” as used herein, shall be  
11 understood to mean the policies that came into existence as a result of the decisions  
12 described in paragraphs D and E herein.

13 H. These interrogatories and requests for production are intended to be a  
14 continuing obligation upon Defendant to furnish all information requested herein until  
15 final disposition of this case. Corrections and supplemental responses are required as  
16 provided for in the Rules of Civil Procedure. **Plaintiffs will move the Court to exclude**  
17 **the testimony of any person not identified or evidence not disclosed in answers to**  
18 **these interrogatories, and will move to dismiss any claims related to any requested**  
19 **documents within the possession, custody or control of Defendant that Defendant**  
20 **fails to produce or to identify individually on a privilege log in response to these**  
21 **requests, and will move to exclude any other evidence offered by Defendant related**  
22 **to such documents.**

23 I. These requests seek documents and information in the possession, custody,  
24 or control of Defendant, including (by way of example and not limitation) documents and  
25 information in the possession of Defendant’s current and former attorneys, agents,  
26 principals, accountants, and appraisers.

1 J. In responding to each request for production, if you do not produce a  
2 document in whole or in part because you are unable to do so, or for any other reason, you  
3 are requested to state the name and address of each person whom you believe has custody,  
4 possession, or control of the document.

5 K. Objections and claims of privilege should not be made in a general, blanket  
6 fashion. Rather, Defendant must indicate which objections or claims of privilege are  
7 asserted with regard to each discovery request. If only part of a discovery request is  
8 objected to, Defendant should indicate which objections or claims of privilege are asserted  
9 with regard to each such part.

10 L. With regard to attorney-client privilege and work product doctrine  
11 objections to interrogatories, describe the factual basis for your claim of privilege,  
12 including relevant dates, persons involved in the communication, subject matters  
13 involved, all persons present when the communications occurred, all persons who have  
14 been told about any of the details of the communication, and other information which  
15 would permit the Court to adjudicate the validity of the claim of privilege.

16 M. With regard to each document withheld upon a claim of attorney-client  
17 privilege or work product doctrine, prepare a document-by-document privilege log stating  
18 the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended  
19 recipient(s), subject matter(s), and persons who have received the document or have been  
20 told about the contents thereof, and other information which would permit the Court to  
21 adjudicate the validity of the claim or privilege. This privilege log must be produced  
22 contemporaneously with the documents produced in response to these requests.

23 N. If you object in part to any request for production, please respond to the  
24 remainder completely.

25 O. In responding to each request for production, please identify by number  
26 each and every request to which the documents are responsive.

1 P. All documents should be produced in the same order as they are kept or  
2 maintained by you in the ordinary course of business and in the manual, booklet, binder,  
3 file, folder, envelope, or other container in which they are ordinarily kept or maintained.  
4 If for any reason the container cannot be produced, produce copies of all labels or other  
5 identifying markings thereon.

6 Q. The term “documents” or “records” are intended to be interchangeable and  
7 to be construed in their broadest sense including, but not limited to any original, recorded,  
8 or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all  
9 non-identical copies of each such writing (whether different from the original because of  
10 notes made on such copy or otherwise), including but not limited to: reports, drafts,  
11 working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings,  
12 schedules, cost sheets and quotation forms, bids, computer-generated and mechanically-  
13 created records, laser disks, compact disks, quotations, transcriptions of telephone  
14 conversations, notes, diaries, printouts, photographs, movies, mechanical or sound  
15 recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams,  
16 tape recordings, transmittal documents, rough letters, revisions, superseded documents,  
17 telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading,  
18 amendments, modifications, revisions, agreements, bills, estimates, statements of account,  
19 claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and  
20 all other manner and form of communication not otherwise expressly described.

21 As noted, the terms “documents” or “records” include, among other information,  
22 information stored in machine-readable form. In determining where responsive documents  
23 in this form might be located, consider whether you have any equipment or media which  
24 contain “documents” as defined herein, including but not limited to:

25 (1) Desktop personal computers (PCs) or workstations; PCs,  
26 workstations, minicomputers, or mainframes used as file servers, application servers, or

1 electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other  
2 portable computers; and home computers used for work-related purposes.

3 (2) Backup disks and tapes, archival disks and tapes, flashdrives, and  
4 other forms of offline storage, whether stored on-site with the computers used to generate  
5 them or off-site in another computer facility or by a third party; and,

6 (3) Electronic mail messages, even if available only on backup or  
7 archive disks or tapes.

8 R. Except as otherwise specified herein, provide responsive machine-readable  
9 information in its original format. All databases should be in either MS Excel or MS  
10 Access. All other files should be in MS Office format, preferably 2000. All e-mail should  
11 be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM.  
12 If you have any questions concerning what constitutes an appropriate format, please  
13 contact counsel for Plaintiffs.

14 S. Unless otherwise specified herein, the term “computer” includes but is not  
15 limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers,  
16 application servers, or electronic mail servers; other minicomputers and mainframes;  
17 laptop, notebook, and other portable computers; and home computers used for work-  
18 related purposes.

19 T. As used herein, the term “backup” includes but is not limited to backup  
20 disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage,  
21 whether stored on-site with the computers used to generate them or off-site in another  
22 computer facility or by a third party.

23 U. As used herein, the phrase “describe” means to set out every aspect of  
24 every fact, circumstance, act, omission, or course of conduct known to you relating in any  
25 way to the matter inquired about, including, without limitation, the date and place thereof,  
26 the identity of each person present, connected therewith, or who has knowledge thereof,

1 the identity of all documents relating thereto, and if anything was said by any person, the  
2 identity of each such person and each such oral statement, and if the oral statement in  
3 whole or in part was contained, reported, summarized or referred to in any documents, the  
4 identity of each such document.

5 V. The term “person” means any individual, partnership, corporation, firm,  
6 association, or other business or legal entity.

7 W. The terms “and” and “or” wherever used herein shall be understood in both  
8 the conjunctive and disjunctive sense, synonymous with “and/or.”

9 X. The terms “any” and “all” wherever used herein shall be understood in  
10 their most inclusive sense, synonymous with “any or all.”

11 Y. “Identity” or “identify” means:

12 (a) when used with reference to a natural person, to state his or her full  
13 name, his or her present home address, present business address, present home and  
14 business telephone numbers, occupation, present or last known position, and business  
15 affiliation;

16 (b) when used in reference to any entity, such as a partnership, joint  
17 venture, trust, or corporation, to state the full legal name of such entity, each name under  
18 which such entity does business, the entity’s street address, the entity’s telephone number,  
19 the identity of the chief operating officer, manager, trustee, or other principal  
20 representative and the identity of those persons employed by or otherwise acting for such  
21 entity who are known or are believed to possess the knowledge or information responsive  
22 to the interrogatory and for which the entity was identified;

23 (c) when used with reference to documents, to state specifically:

24 (i) the type of documents involved (e.g., letter, interoffice  
25 memorandum, etc.), together with information sufficient to enable defendant to  
26 locate the document, such as its date, the name of any addressee, the name of any



1 signer, the title or heading of the documents and its approximate number of pages;  
2 and

3 (ii) the identity of the person last known to have possession of  
4 the document, together with the present or last known location of the document. If  
5 any document was, but is no longer, in your possession, custody or control,  
6 identify the document, state what disposition was made of it and the reason for  
7 such disposition. In lieu of identifying documents, copies may be provided.

8 (d) when used with reference to damages or injuries, to state  
9 specifically:

10 (i) the date on which the damage or injury occurred,  
11 (ii) the monetary value of the damage or injury, and  
12 (iii) any other persons or entities involved in the events or  
13 circumstances giving rise to the alleged damage or injury.

14 (e) when used with reference to a legal action, to state specifically:

15 (i) the date and place each such action was filed, giving the  
16 name of the court and the name of the other party or parties involved, the cause  
17 number, and the names and addresses of the attorneys representing each party;  
18 (ii) a description of the nature of each action; and  
19 (iii) the result of each such action, whether there was an appeal,  
20 the results of the appeal, whether such case was reported and the name, volume  
21 number and page citation of such report.

## 22 INTERROGATORIES

23 INTERROGATORY NO. 1.: Please identify every person who has been a  
24 member of the Board of OFC since April 1993, including all current members of the Board  
25 of OFC.

26 ANSWER:

1           **INTERROGATORY NO. 2.:** Please identify every person who was a staff  
2 member of OFC at the time the Israel Boycott and Divestment policies were considered  
3 and/or enacted by the Board of OFC.

4           **ANSWER:**

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8           **INTERROGATORY NO. 3.:** Please identify every communication from a staff  
9 member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the  
10 Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted  
11 by the Board of OFC.

12           **ANSWER:**

13  
14  
15  
16           **INTERROGATORY NO. 4.:** Please identify any expert witness you expect to  
17 call at trial and, as to each such witness, provide:

- 18           (a) The person's name, occupation, title, business address, area of  
19 specialization, if any, and professional relationship to you;  
20           (b) The subject matter on which the person is expected to testify;  
21           (c) The substance of the facts and opinions to which the person is expected to  
22 testify and a summary of the grounds for each opinion;  
23           (d) All data or other information considered by the person in forming his or her  
24 opinions;  
25           (e) A statement of the person's qualifications, including a list of all  
26 publications authored by the person in the past 10 years;  
              (f) The identity of any exhibits to be used as a summary of or support for the  
              person's opinions;  
              (g) The compensation to be paid to the person in connection with his or her  
              work as an expert witness; and

1 (h) A list of all other cases in which the person has testified by deposition or at  
2 trial and the identity of the attorneys who questioned the person.

3 **ANSWER:**

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7 **REQUESTS FOR PRODUCTION**

8 **REQUEST FOR PRODUCTION NO. 1:** Please produce all documents that  
9 relate in any way to boycotting and/or divesting from Israel, including but not limited to  
10 all documents that were considered by the Board of OFC in enacting the Israel Boycott  
11 and Divestment policies; all committee or Board minutes relating to the Israel Boycott and  
12 Divestment policies; notes and comments relating to those minutes; and all documents  
13 that reference or discuss the policies and/or procedures considered and/or followed by the  
14 Board of OFC in enacting the Israel Boycott and Divestment policies.

15 **RESPONSE:**

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19 **REQUEST FOR PRODUCTION NO. 2:** To the extent not produced in  
20 response to a prior request for production, please produce all documents relating to any  
21 effort or consideration given by the Board of OFC to boycotting products of any country  
22 or geographic area other than Israel—whether such boycott was enacted or not—including  
23 but not limited to all documents that reference or discuss the policies and/or procedures  
24 considered and/or followed by the Board of OFC in connection therewith.

25 **RESPONSE:**

1           **REQUEST FOR PRODUCTION NO. 3:** To the extent not produced in  
2 response to a prior request for production, please produce all documents that relate in any  
3 way to the rules and/or procedures of OFC regarding boycotts, including but not limited to  
4 any previous boycott policies and/or procedures and any changes to such policies and/or  
5 procedures.

6           **RESPONSE:**

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10           **REQUEST FOR PRODUCTION NO. 4:** To the extent not produced in  
11 response to a prior request for production, please produce all communications between  
12 yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any  
13 product or products, including but not limited to communications relating to the boycott  
14 policies and procedures of OFC.

15           **RESPONSE:**

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18           **REQUEST FOR PRODUCTION NO. 5:** Please produce all documents  
19 identified in your Answer to Interrogatory No. 3.

20           **RESPONSE:**

21 INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of  
22 September, 2011.

23 McNAUL EBEL NAWROT & HELGREN PLLC

24 By: 

25 Robert M. Sulkin, WSBA No. 15425  
26 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

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ANSWERS AND RESPONSES dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

By: \_\_\_\_\_  
JOHN REGAN, Defendant

CERTIFICATION

Plaintiffs certify that they have read the foregoing *Plaintiffs' First Discovery Requests to Defendants* and any objections thereto, and the answers, responses and objections are in compliance with CR 26(g).

By: \_\_\_\_\_  
\_\_\_\_\_, Attorney for Defendants



Hon. Paula Casey

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS

TO: ROB RICHARDS, Defendant.

Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant ROB RICHARDS ("Defendant") respond to the following interrogatories and requests for production.

Pursuant to CR 33, you are being served with the original and one copy of the

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1 interrogatories. To facilitate preparation of answers and responses, Plaintiffs will  
2 additionally provide an electronic copy of the document to you by electronic mail at your  
3 request. Please insert your answers on the original in the space provided following each  
4 interrogatory, or use additional pages if necessary. Please serve the completed original on  
5 the undersigned. Each interrogatory is to be answered fully and separately, in writing and  
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17 *derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin*  
18 *Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne;*  
19 *Harry Levitne; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer;*  
20 *Julia Sokoloff; and Joellen Reineck Wilhelm,* now pending in Thurston County Superior  
21 Court.

22 B. The terms "you" and "your" whenever used herein shall be understood to  
23 mean Defendant ROB RICHARDS individually, as well as ROB RICHARDS's current  
24 and former attorneys, agents, principals, employees, and/or representatives.

25 C. The term "Board of OFC," as used herein, shall be understood to mean the  
26 Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,



1 agents, principals, employees, and/or representatives.

2 D. The term "Boycott Policy," as used herein, shall be understood to mean the  
3 policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding  
4 the means, terms, exceptions, and procedures by which OFC shall, "whenever  
5 possible...honor nationally recognized boycotts."

6 E. The term "Israel Boycott," as used herein, shall be understood to mean the  
7 decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

8 F. The term "Divestment," as used herein, shall be understood to mean the  
9 decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

10 G. The term "Israel Boycott and Divestment policies," as used herein, shall be  
11 understood to mean the policies that came into existence as a result of the decisions  
12 described in paragraphs D and E herein.

13 H. These interrogatories and requests for production are intended to be a  
14 continuing obligation upon Defendant to furnish all information requested herein until  
15 final disposition of this case. Corrections and supplemental responses are required as  
16 provided for in the Rules of Civil Procedure. **Plaintiffs will move the Court to exclude**  
17 **the testimony of any person not identified or evidence not disclosed in answers to**  
18 **these interrogatories, and will move to dismiss any claims related to any requested**  
19 **documents within the possession, custody or control of Defendant that Defendant**  
20 **fails to produce or to identify individually on a privilege log in response to these**  
21 **requests, and will move to exclude any other evidence offered by Defendant related**  
22 **to such documents.**

23 I. These requests seek documents and information in the possession, custody,  
24 or control of Defendant, including (by way of example and not limitation) documents and  
25 information in the possession of Defendant's current and former attorneys, agents,  
26 principals, accountants, and appraisers.

1 J. In responding to each request for production, if you do not produce a  
2 document in whole or in part because you are unable to do so, or for any other reason, you  
3 are requested to state the name and address of each person whom you believe has custody,  
4 possession, or control of the document.

5 K. Objections and claims of privilege should not be made in a general, blanket  
6 fashion. Rather, Defendant must indicate which objections or claims of privilege are  
7 asserted with regard to each discovery request. If only part of a discovery request is  
8 objected to, Defendant should indicate which objections or claims of privilege are asserted  
9 with regard to each such part.

10 L. With regard to attorney-client privilege and work product doctrine  
11 objections to interrogatories, describe the factual basis for your claim of privilege,  
12 including relevant dates, persons involved in the communication, subject matters  
13 involved, all persons present when the communications occurred, all persons who have  
14 been told about any of the details of the communication, and other information which  
15 would permit the Court to adjudicate the validity of the claim of privilege.

16 M. With regard to each document withheld upon a claim of attorney-client  
17 privilege or work product doctrine, prepare a document-by-document privilege log stating  
18 the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended  
19 recipient(s), subject matter(s), and persons who have received the document or have been  
20 told about the contents thereof, and other information which would permit the Court to  
21 adjudicate the validity of the claim or privilege. This privilege log must be produced  
22 contemporaneously with the documents produced in response to these requests.

23 N. If you object in part to any request for production, please respond to the  
24 remainder completely.

25 O. In responding to each request for production, please identify by number  
26 each and every request to which the documents are responsive.

1 P. All documents should be produced in the same order as they are kept or  
2 maintained by you in the ordinary course of business and in the manual, booklet, binder,  
3 file, folder, envelope, or other container in which they are ordinarily kept or maintained.  
4 If for any reason the container cannot be produced, produce copies of all labels or other  
5 identifying markings thereon.

6 Q. The term "documents" or "records" are intended to be interchangeable and  
7 to be construed in their broadest sense including, but not limited to any original, recorded,  
8 or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all  
9 non-identical copies of each such writing (whether different from the original because of  
10 notes made on such copy or otherwise), including but not limited to: reports, drafts,  
11 working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings,  
12 schedules, cost sheets and quotation forms, bids, computer-generated and mechanically-  
13 created records, laser disks, compact disks, quotations, transcriptions of telephone  
14 conversations, notes, diaries, printouts, photographs, movies, mechanical or sound  
15 recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams,  
16 tape recordings, transmittal documents, rough letters, revisions, superseded documents,  
17 telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading,  
18 amendments, modifications, revisions, agreements, bills, estimates, statements of account,  
19 claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and  
20 all other manner and form of communication not otherwise expressly described.

21 As noted, the terms "documents" or "records" include, among other information,  
22 information stored in machine-readable form. In determining where responsive documents  
23 in this form might be located, consider whether you have any equipment or media which  
24 contain "documents" as defined herein, including but not limited to:

25 (1) Desktop personal computers (PCs) or workstations; PCs,  
26 workstations, minicomputers, or mainframes used as file servers, application servers, or

1 electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other  
2 portable computers; and home computers used for work-related purposes.

3 (2) Backup disks and tapes, archival disks and tapes, flashdrives, and  
4 other forms of offline storage, whether stored on-site with the computers used to generate  
5 them or off-site in another computer facility or by a third party; and,

6 (3) Electronic mail messages, even if available only on backup or  
7 archive disks or tapes.

8 R. Except as otherwise specified herein, provide responsive machine-readable  
9 information in its original format. All databases should be in either MS Excel or MS  
10 Access. All other files should be in MS Office format, preferably 2000. All e-mail should  
11 be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM.  
12 If you have any questions concerning what constitutes an appropriate format, please  
13 contact counsel for Plaintiffs.

14 S. Unless otherwise specified herein, the term "computer" includes but is not  
15 limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers,  
16 application servers, or electronic mail servers; other minicomputers and mainframes;  
17 laptop, notebook, and other portable computers; and home computers used for work-  
18 related purposes.

19 T. As used herein, the term "backup" includes but is not limited to backup  
20 disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage,  
21 whether stored on-site with the computers used to generate them or off-site in another  
22 computer facility or by a third party.

23 U. As used herein, the phrase "describe" means to set out every aspect of  
24 every fact, circumstance, act, omission, or course of conduct known to you relating in any  
25 way to the matter inquired about, including, without limitation, the date and place thereof,  
26 the identity of each person present, connected therewith, or who has knowledge thereof,

1 the identity of all documents relating thereto, and if anything was said by any person, the  
2 identity of each such person and each such oral statement, and if the oral statement in  
3 whole or in part was contained, reported, summarized or referred to in any documents, the  
4 identity of each such document.

5 V. The term "person" means any individual, partnership, corporation, firm,  
6 association, or other business or legal entity.

7 W. The terms "and" and "or" wherever used herein shall be understood in both  
8 the conjunctive and disjunctive sense, synonymous with "and/or."

9 X. The terms "any" and "all" wherever used herein shall be understood in  
10 their most inclusive sense, synonymous with "any or all."

11 Y. "Identity" or "identify" means:

12 (a) when used with reference to a natural person, to state his or her full  
13 name, his or her present home address, present business address, present home and  
14 business telephone numbers, occupation, present or last known position, and business  
15 affiliation;

16 (b) when used in reference to any entity, such as a partnership, joint  
17 venture, trust, or corporation, to state the full legal name of such entity, each name under  
18 which such entity does business, the entity's street address, the entity's telephone number,  
19 the identity of the chief operating officer, manager, trustee, or other principal  
20 representative and the identity of those persons employed by or otherwise acting for such  
21 entity who are known or are believed to possess the knowledge or information responsive  
22 to the interrogatory and for which the entity was identified;

23 (c) when used with reference to documents, to state specifically:

24 (i) the type of documents involved (e.g., letter, interoffice  
25 memorandum, etc.), together with information sufficient to enable defendant to  
26 locate the document, such as its date, the name of any addressee, the name of any

1 signer, the title or heading of the documents and its approximate number of pages;  
2 and

3 (ii) the identity of the person last known to have possession of  
4 the document, together with the present or last known location of the document. If  
5 any document was, but is no longer, in your possession, custody or control,  
6 identify the document, state what disposition was made of it and the reason for  
7 such disposition. In lieu of identifying documents, copies may be provided.

8 (d) when used with reference to damages or injuries, to state  
9 specifically:

10 (i) the date on which the damage or injury occurred,  
11 (ii) the monetary value of the damage or injury, and  
12 (iii) any other persons or entities involved in the events or  
13 circumstances giving rise to the alleged damage or injury.

14 (e) when used with reference to a legal action, to state specifically:

15 (i) the date and place each such action was filed, giving the  
16 name of the court and the name of the other party or parties involved, the cause  
17 number, and the names and addresses of the attorneys representing each party;  
18 (ii) a description of the nature of each action; and  
19 (iii) the result of each such action, whether there was an appeal,  
20 the results of the appeal, whether such case was reported and the name, volume  
21 number and page citation of such report.

## 22 INTERROGATORIES

23 INTERROGATORY NO. 1: Please identify every person who has been a  
24 member of the Board of OFC since April 1993, including all current members of the Board  
25 of OFC.

26 ANSWER:

1                   **INTERROGATORY NO. 2.:** Please identify every person who was a staff  
2 member of OFC at the time the Israel Boycott and Divestment policies were considered  
3 and/or enacted by the Board of OFC.

4                   **ANSWER:**

5  
6  
7  
8                   **INTERROGATORY NO. 3.:** Please identify every communication from a staff  
9 member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the  
10 Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted  
11 by the Board of OFC.

12                   **ANSWER:**

13  
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16                   **INTERROGATORY NO. 4.:** Please identify any expert witness you expect to  
17 call at trial and, as to each such witness, provide:

- 18                   (a) The person's name, occupation, title, business address, area of  
19 specialization, if any, and professional relationship to you;  
20                   (b) The subject matter on which the person is expected to testify;  
21                   (c) The substance of the facts and opinions to which the person is expected to  
22 testify and a summary of the grounds for each opinion;  
23                   (d) All data or other information considered by the person in forming his or her  
24 opinions;  
25                   (e) A statement of the person's qualifications, including a list of all  
26 publications authored by the person in the past 10 years;  
                    (f) The identity of any exhibits to be used as a summary of or support for the  
                    person's opinions;  
                    (g) The compensation to be paid to the person in connection with his or her  
                    work as an expert witness; and

1 (h) A list of all other cases in which the person has testified by deposition or at  
2 trial and the identity of the attorneys who questioned the person.

3 ANSWER:

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7 **REQUESTS FOR PRODUCTION**

8 **REQUEST FOR PRODUCTION NO. 1.:** Please produce all documents that  
9 relate in any way to boycotting and/or divesting from Israel, including but not limited to  
10 all documents that were considered by the Board of OFC in enacting the Israel Boycott  
11 and Divestment policies; all committee or Board minutes relating to the Israel Boycott and  
12 Divestment policies; notes and comments relating to those minutes; and all documents  
13 that reference or discuss the policies and/or procedures considered and/or followed by the  
14 Board of OFC in enacting the Israel Boycott and Divestment policies.

15 RESPONSE:

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19 **REQUEST FOR PRODUCTION NO. 2.:** To the extent not produced in  
20 response to a prior request for production, please produce all documents relating to any  
21 effort or consideration given by the Board of OFC to boycotting products of any country  
22 or geographic area other than Israel—whether such boycott was enacted or not—including  
23 but not limited to all documents that reference or discuss the policies and/or procedures  
24 considered and/or followed by the Board of OFC in connection therewith.

25 RESPONSE:





1 ANSWERS AND RESPONSES dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

2  
3 By: \_\_\_\_\_  
4 ROB RICHARDS, Defendant

5  
6 CERTIFICATION

7 Plaintiffs certify that they have read the foregoing *Plaintiffs' First Discovery*  
8 *Requests to Defendants* and any objections thereto, and the answers, responses and  
9 objections are in compliance with CR 26(g).

10 By: \_\_\_\_\_  
11 \_\_\_\_\_, Attorney for Defendants  
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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS

TO: SUZANNE SHAFER, Defendant.

Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant SUZANNE SHAFER ("Defendant") respond to the following interrogatories and requests for production.

Pursuant to CR 33, you are being served with the original and one copy of the

COPY

1 interrogatories. To facilitate preparation of answers and responses, Plaintiffs will  
2 additionally provide an electronic copy of the document to you by electronic mail at your  
3 request. Please insert your answers on the original in the space provided following each  
4 interrogatory, or use additional pages if necessary. Please serve the completed original on  
5 the undersigned. Each interrogatory is to be answered fully and separately, in writing and  
6 under oath, within 40 days of service upon you.

7 Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the  
8 service thereof, produce for inspection and copying the documents described below at the  
9 offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University  
10 Street, Suite 2700, Seattle, Washington 98101.

### 11 INSTRUCTIONS AND DEFINITIONS

12 The following definitions and instructions are intended to supplement those set  
13 forth in the Local Civil Rules, and are not intended to broaden such definitions and  
14 instructions.

15 A. The term "Lawsuit" whenever used herein shall be understood to mean the  
16 case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer,*  
17 *derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin*  
18 *Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne;*  
19 *Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer;*  
20 *Julia Sokoloff; and Joellen Reineck Wilhelm,* now pending in Thurston County Superior  
21 Court.

22 B. The terms "you" and "your" whenever used herein shall be understood to  
23 mean Defendant SUZANNE SHAFER individually, as well as SUZANNE SHAFER's  
24 current and former attorneys, agents, principals, employees, and/or representatives.

25 C. The term "Board of OFC," as used herein, shall be understood to mean the  
26 Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

1 agents, principals, employees, and/or representatives.

2 D. The term "Boycott Policy," as used herein, shall be understood to mean the  
3 policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding  
4 the means, terms, exceptions, and procedures by which OFC shall, "whenever  
5 possible...honor nationally recognized boycotts."

6 E. The term "Israel Boycott," as used herein, shall be understood to mean the  
7 decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

8 F. The term "Divestment," as used herein, shall be understood to mean the  
9 decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

10 G. The term "Israel Boycott and Divestment policies," as used herein, shall be  
11 understood to mean the policies that came into existence as a result of the decisions  
12 described in paragraphs D and E herein.

13 H. These interrogatories and requests for production are intended to be a  
14 continuing obligation upon Defendant to furnish all information requested herein until  
15 final disposition of this case. Corrections and supplemental responses are required as  
16 provided for in the Rules of Civil Procedure. **Plaintiffs will move the Court to exclude**  
17 **the testimony of any person not identified or evidence not disclosed in answers to**  
18 **these interrogatories, and will move to dismiss any claims related to any requested**  
19 **documents within the possession, custody or control of Defendant that Defendant**  
20 **fails to produce or to identify individually on a privilege log in response to these**  
21 **requests, and will move to exclude any other evidence offered by Defendant related**  
22 **to such documents.**

23 I. These requests seek documents and information in the possession, custody,  
24 or control of Defendant, including (by way of example and not limitation) documents and  
25 information in the possession of Defendant's current and former attorneys, agents,  
26 principals, accountants, and appraisers.

1 J. In responding to each request for production, if you do not produce a  
2 document in whole or in part because you are unable to do so, or for any other reason, you  
3 are requested to state the name and address of each person whom you believe has custody,  
4 possession, or control of the document.

5 K. Objections and claims of privilege should not be made in a general, blanket  
6 fashion. Rather, Defendant must indicate which objections or claims of privilege are  
7 asserted with regard to each discovery request. If only part of a discovery request is  
8 objected to, Defendant should indicate which objections or claims of privilege are asserted  
9 with regard to each such part.

10 L. With regard to attorney-client privilege and work product doctrine  
11 objections to interrogatories, describe the factual basis for your claim of privilege,  
12 including relevant dates, persons involved in the communication, subject matters  
13 involved, all persons present when the communications occurred, all persons who have  
14 been told about any of the details of the communication, and other information which  
15 would permit the Court to adjudicate the validity of the claim of privilege.

16 M. With regard to each document withheld upon a claim of attorney-client  
17 privilege or work product doctrine, prepare a document-by-document privilege log stating  
18 the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended  
19 recipient(s), subject matter(s), and persons who have received the document or have been  
20 told about the contents thereof, and other information which would permit the Court to  
21 adjudicate the validity of the claim or privilege. This privilege log must be produced  
22 contemporaneously with the documents produced in response to these requests.

23 N. If you object in part to any request for production, please respond to the  
24 remainder completely.

25 O. In responding to each request for production, please identify by number  
26 each and every request to which the documents are responsive.

1 P. All documents should be produced in the same order as they are kept or  
2 maintained by you in the ordinary course of business and in the manual, booklet, binder,  
3 file, folder, envelope, or other container in which they are ordinarily kept or maintained.  
4 If for any reason the container cannot be produced, produce copies of all labels or other  
5 identifying markings thereon.

6 Q. The term "documents" or "records" are intended to be interchangeable and  
7 to be construed in their broadest sense including, but not limited to any original, recorded,  
8 or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all  
9 non-identical copies of each such writing (whether different from the original because of  
10 notes made on such copy or otherwise), including but not limited to: reports, drafts,  
11 working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings,  
12 schedules, cost sheets and quotation forms, bids, computer-generated and mechanically-  
13 created records, laser disks, compact disks, quotations, transcriptions of telephone  
14 conversations, notes, diaries, printouts, photographs, movies, mechanical or sound  
15 recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams,  
16 tape recordings, transmittal documents, rough letters, revisions, superseded documents,  
17 telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading,  
18 amendments, modifications, revisions, agreements, bills, estimates, statements of account,  
19 claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and  
20 all other manner and form of communication not otherwise expressly described.

21 As noted, the terms "documents" or "records" include, among other information,  
22 information stored in machine-readable form. In determining where responsive documents  
23 in this form might be located, consider whether you have any equipment or media which  
24 contain "documents" as defined herein, including but not limited to:

25 (1) Desktop personal computers (PCs) or workstations; PCs,  
26 workstations, minicomputers, or mainframes used as file servers, application servers, or



1 electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other  
2 portable computers; and home computers used for work-related purposes.

3 (2) Backup disks and tapes, archival disks and tapes, flashdrives, and  
4 other forms of offline storage, whether stored on-site with the computers used to generate  
5 them or off-site in another computer facility or by a third party; and,

6 (3) Electronic mail messages, even if available only on backup or  
7 archive disks or tapes.

8 R. Except as otherwise specified herein, provide responsive machine-readable  
9 information in its original format. All databases should be in either MS Excel or MS  
10 Access. All other files should be in MS Office format, preferably 2000. All e-mail should  
11 be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM.  
12 If you have any questions concerning what constitutes an appropriate format, please  
13 contact counsel for Plaintiffs.

14 S. Unless otherwise specified herein, the term "computer" includes but is not  
15 limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers,  
16 application servers, or electronic mail servers; other minicomputers and mainframes;  
17 laptop, notebook, and other portable computers; and home computers used for work-  
18 related purposes.

19 T. As used herein, the term "backup" includes but is not limited to backup  
20 disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage,  
21 whether stored on-site with the computers used to generate them or off-site in another  
22 computer facility or by a third party.

23 U. As used herein, the phrase "describe" means to set out every aspect of  
24 every fact, circumstance, act, omission, or course of conduct known to you relating in any  
25 way to the matter inquired about, including, without limitation, the date and place thereof,  
26 the identity of each person present, connected therewith, or who has knowledge thereof,

1 the identity of all documents relating thereto, and if anything was said by any person, the  
2 identity of each such person and each such oral statement, and if the oral statement in  
3 whole or in part was contained, reported, summarized or referred to in any documents, the  
4 identity of each such document.

5 V. The term "person" means any individual, partnership, corporation, firm,  
6 association, or other business or legal entity.

7 W. The terms "and" and "or" wherever used herein shall be understood in both  
8 the conjunctive and disjunctive sense, synonymous with "and/or."

9 X. The terms "any" and "all" wherever used herein shall be understood in  
10 their most inclusive sense, synonymous with "any or all."

11 Y. "Identity" or "identify" means:

12 (a) when used with reference to a natural person, to state his or her full  
13 name, his or her present home address, present business address, present home and  
14 business telephone numbers, occupation, present or last known position, and business  
15 affiliation;

16 (b) when used in reference to any entity, such as a partnership, joint  
17 venture, trust, or corporation, to state the full legal name of such entity, each name under  
18 which such entity does business, the entity's street address, the entity's telephone number,  
19 the identity of the chief operating officer, manager, trustee, or other principal  
20 representative and the identity of those persons employed by or otherwise acting for such  
21 entity who are known or are believed to possess the knowledge or information responsive  
22 to the interrogatory and for which the entity was identified;

23 (c) when used with reference to documents, to state specifically:

24 (i) the type of documents involved (e.g., letter, interoffice  
25 memorandum, etc.), together with information sufficient to enable defendant to  
26 locate the document, such as its date, the name of any addressee, the name of any

1 signer, the title or heading of the documents and its approximate number of pages;  
2 and

3 (ii) the identity of the person last known to have possession of  
4 the document, together with the present or last known location of the document. If  
5 any document was, but is no longer, in your possession, custody or control,  
6 identify the document, state what disposition was made of it and the reason for  
7 such disposition. In lieu of identifying documents, copies may be provided.

8 (d) when used with reference to damages or injuries, to state  
9 specifically:

10 (i) the date on which the damage or injury occurred,

11 (ii) the monetary value of the damage or injury, and

12 (iii) any other persons or entities involved in the events or  
13 circumstances giving rise to the alleged damage or injury.

14 (e) when used with reference to a legal action, to state specifically:

15 (i) the date and place each such action was filed, giving the  
16 name of the court and the name of the other party or parties involved, the cause  
17 number, and the names and addresses of the attorneys representing each party;

18 (ii) a description of the nature of each action; and

19 (iii) the result of each such action, whether there was an appeal,  
20 the results of the appeal, whether such case was reported and the name, volume  
21 number and page citation of such report.

## 22 INTERROGATORIES

23 INTERROGATORY NO. 1.: Please identify every person who has been a  
24 member of the Board of OFC since April 1993, including all current members of the Board  
25 of OFC.

26 ANSWER:

1           **INTERROGATORY NO. 2.** Please identify every person who was a staff  
2 member of OFC at the time the Israel Boycott and Divestment policies were considered  
3 and/or enacted by the Board of OFC.

4           **ANSWER:**

5  
6  
7  
8           **INTERROGATORY NO. 3.** Please identify every communication from a staff  
9 member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the  
10 Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted  
11 by the Board of OFC.

12           **ANSWER:**

13  
14  
15  
16           **INTERROGATORY NO. 4.** Please identify any expert witness you expect to  
17 call at trial and, as to each such witness, provide:

- 18           (a) The person's name, occupation, title, business address, area of  
19 specialization, if any, and professional relationship to you;  
20           (b) The subject matter on which the person is expected to testify;  
21           (c) The substance of the facts and opinions to which the person is expected to  
22 testify and a summary of the grounds for each opinion;  
23           (d) All data or other information considered by the person in forming his or her  
24 opinions;  
25           (e) A statement of the person's qualifications, including a list of all  
26 publications authored by the person in the past 10 years;  
              (f) The identity of any exhibits to be used as a summary of or support for the  
              person's opinions;  
              (g) The compensation to be paid to the person in connection with his or her  
              work as an expert witness; and

1 (h) A list of all other cases in which the person has testified by deposition or at  
2 trial and the identity of the attorneys who questioned the person.

3 ANSWER:  
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7 **REQUESTS FOR PRODUCTION**

8 **REQUEST FOR PRODUCTION NO. 1:** Please produce all documents that  
9 relate in any way to boycotting and/or divesting from Israel, including but not limited to  
10 all documents that were considered by the Board of OFC in enacting the Israel Boycott  
11 and Divestment policies; all committee or Board minutes relating to the Israel Boycott and  
12 Divestment policies; notes and comments relating to those minutes; and all documents  
13 that reference or discuss the policies and/or procedures considered and/or followed by the  
14 Board of OFC in enacting the Israel Boycott and Divestment policies.

15 RESPONSE:  
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19 **REQUEST FOR PRODUCTION NO. 2:** To the extent not produced in  
20 response to a prior request for production, please produce all documents relating to any  
21 effort or consideration given by the Board of OFC to boycotting products of any country  
22 or geographic area other than Israel—whether such boycott was enacted or not—including  
23 but not limited to all documents that reference or discuss the policies and/or procedures  
24 considered and/or followed by the Board of OFC in connection therewith.

25 RESPONSE:  
26

1           **REQUEST FOR PRODUCTION NO. 3.** To the extent not produced in  
2 response to a prior request for production, please produce all documents that relate in any  
3 way to the rules and/or procedures of OFC regarding boycotts, including but not limited to  
4 any previous boycott policies and/or procedures and any changes to such policies and/or  
5 procedures.

6           **RESPONSE:**

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10           **REQUEST FOR PRODUCTION NO. 4.** To the extent not produced in  
11 response to a prior request for production, please produce all communications between  
12 yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any  
13 product or products, including but not limited to communications relating to the boycott  
14 policies and procedures of OFC.

15           **RESPONSE:**

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18           **REQUEST FOR PRODUCTION NO. 5.** Please produce all documents  
19 identified in your Answer to Interrogatory No. 3.

20           **RESPONSE:**

21 INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of  
22 September, 2011.

23 McNAUL EBEL NAWROT & HELGREN PLLC

24 By: 

25 Robert M. Sulkin, WSBA No. 15425  
26 Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

1 ANSWERS AND RESPONSES dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

2  
3 By: \_\_\_\_\_  
4 SUZANNE SHAFER, Defendant

5  
6 CERTIFICATION

7 Plaintiffs certify that they have read the foregoing *Plaintiffs' First Discovery*  
8 *Requests to Defendants* and any objections thereto, and the answers, responses and  
9 objections are in compliance with CR 26(g).

10 By: \_\_\_\_\_  
11 \_\_\_\_\_, Attorney for Defendants  
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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS

TO: JULIA SOKOLOFF, Defendant.

Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant JULIA SOKOLOFF ("Defendant") respond to the following interrogatories and requests for production.

Pursuant to CR 33, you are being served with the original and one copy of the

COPY

1 interrogatories. To facilitate preparation of answers and responses, Plaintiffs will  
2 additionally provide an electronic copy of the document to you by electronic mail at your  
3 request. Please insert your answers on the original in the space provided following each  
4 interrogatory, or use additional pages if necessary. Please serve the completed original on  
5 the undersigned. Each interrogatory is to be answered fully and separately, in writing and  
6 under oath, within 40 days of service upon you.

7 Pursuant to CR 34, Plaintiffs further request that Defendant, within 40 days of the  
8 service thereof, produce for inspection and copying the documents described below at the  
9 offices of McNaul Ebel Nawrot & Helgren, P.L.L.C., One Union Square, 600 University  
10 Street, Suite 2700, Seattle, Washington 98101.

#### 11 INSTRUCTIONS AND DEFINITIONS

12 The following definitions and instructions are intended to supplement those set  
13 forth in the Local Civil Rules, and are not intended to broaden such definitions and  
14 instructions.

15 A. The term "Lawsuit" whenever used herein shall be understood to mean the  
16 case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer,*  
17 *derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin*  
18 *Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne;*  
19 *Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer;*  
20 *Julia Sokoloff; and Joellen Reineck Wilhelm,* now pending in Thurston County Superior  
21 Court.

22 B. The terms "you" and "your" whenever used herein shall be understood to  
23 mean Defendant JULIA SOKOLOFF individually, as well as JULIA SOKOLOFF's  
24 current and former attorneys, agents, principals, employees, and/or representatives.

25 C. The term "Board of OFC," as used herein, shall be understood to mean the  
26 Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,

1 agents, principals, employees, and/or representatives.

2 D. The term "Boycott Policy," as used herein, shall be understood to mean the  
3 policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding  
4 the means, terms, exceptions, and procedures by which OFC shall, "whenever  
5 possible...honor nationally recognized boycotts."

6 E. The term "Israel Boycott," as used herein, shall be understood to mean the  
7 decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

8 F. The term "Divestment," as used herein, shall be understood to mean the  
9 decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

10 G. The term "Israel Boycott and Divestment policies," as used herein, shall be  
11 understood to mean the policies that came into existence as a result of the decisions  
12 described in paragraphs D and E herein.

13 H. These interrogatories and requests for production are intended to be a  
14 continuing obligation upon Defendant to furnish all information requested herein until  
15 final disposition of this case. Corrections and supplemental responses are required as  
16 provided for in the Rules of Civil Procedure. **Plaintiffs will move the Court to exclude**  
17 **the testimony of any person not identified or evidence not disclosed in answers to**  
18 **these interrogatories, and will move to dismiss any claims related to any requested**  
19 **documents within the possession, custody or control of Defendant that Defendant**  
20 **fails to produce or to identify individually on a privilege log in response to these**  
21 **requests, and will move to exclude any other evidence offered by Defendant related**  
22 **to such documents.**

23 I. These requests seek documents and information in the possession, custody,  
24 or control of Defendant, including (by way of example and not limitation) documents and  
25 information in the possession of Defendant's current and former attorneys, agents,  
26 principals, accountants, and appraisers.

1 J. In responding to each request for production, if you do not produce a  
2 document in whole or in part because you are unable to do so, or for any other reason, you  
3 are requested to state the name and address of each person whom you believe has custody,  
4 possession, or control of the document.

5 K. Objections and claims of privilege should not be made in a general, blanket  
6 fashion. Rather, Defendant must indicate which objections or claims of privilege are  
7 asserted with regard to each discovery request. If only part of a discovery request is  
8 objected to, Defendant should indicate which objections or claims of privilege are asserted  
9 with regard to each such part.

10 L. With regard to attorney-client privilege and work product doctrine  
11 objections to interrogatories, describe the factual basis for your claim of privilege,  
12 including relevant dates, persons involved in the communication, subject matters  
13 involved, all persons present when the communications occurred, all persons who have  
14 been told about any of the details of the communication, and other information which  
15 would permit the Court to adjudicate the validity of the claim of privilege.

16 M. With regard to each document withheld upon a claim of attorney-client  
17 privilege or work product doctrine, prepare a document-by-document privilege log stating  
18 the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended  
19 recipient(s), subject matter(s), and persons who have received the document or have been  
20 told about the contents thereof, and other information which would permit the Court to  
21 adjudicate the validity of the claim or privilege. This privilege log must be produced  
22 contemporaneously with the documents produced in response to these requests.

23 N. If you object in part to any request for production, please respond to the  
24 remainder completely.

25 O. In responding to each request for production, please identify by number  
26 each and every request to which the documents are responsive.

1 P. All documents should be produced in the same order as they are kept or  
2 maintained by you in the ordinary course of business and in the manual, booklet, binder,  
3 file, folder, envelope, or other container in which they are ordinarily kept or maintained.  
4 If for any reason the container cannot be produced, produce copies of all labels or other  
5 identifying markings thereon.

6 Q. The term "documents" or "records" are intended to be interchangeable and  
7 to be construed in their broadest sense including, but not limited to any original, recorded,  
8 or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all  
9 non-identical copies of each such writing (whether different from the original because of  
10 notes made on such copy or otherwise), including but not limited to: reports, drafts,  
11 working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings,  
12 schedules, cost sheets and quotation forms, bids, computer-generated and mechanically-  
13 created records, laser disks, compact disks, quotations, transcriptions of telephone  
14 conversations, notes, diaries, printouts, photographs, movies, mechanical or sound  
15 recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams,  
16 tape recordings, transmittal documents, rough letters, revisions, superseded documents,  
17 telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading,  
18 amendments, modifications, revisions, agreements, bills, estimates, statements of account,  
19 claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and  
20 all other manner and form of communication not otherwise expressly described.

21 As noted, the terms "documents" or "records" include, among other information,  
22 information stored in machine-readable form. In determining where responsive documents  
23 in this form might be located, consider whether you have any equipment or media which  
24 contain "documents" as defined herein, including but not limited to:

25 (1) Desktop personal computers (PCs) or workstations; PCs,  
26 workstations, minicomputers, or mainframes used as file servers, application servers, or

1 electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other  
2 portable computers; and home computers used for work-related purposes.

3 (2) Backup disks and tapes, archival disks and tapes, flashdrives, and  
4 other forms of offline storage, whether stored on-site with the computers used to generate  
5 them or off-site in another computer facility or by a third party; and,

6 (3) Electronic mail messages, even if available only on backup or  
7 archive disks or tapes.

8 R. Except as otherwise specified herein, provide responsive machine-readable  
9 information in its original format. All databases should be in either MS Excel or MS  
10 Access. All other files should be in MS Office format, preferably 2000. All e-mail should  
11 be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM.  
12 If you have any questions concerning what constitutes an appropriate format, please  
13 contact counsel for Plaintiffs.

14 S. Unless otherwise specified herein, the term "computer" includes but is not  
15 limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers,  
16 application servers, or electronic mail servers; other minicomputers and mainframes;  
17 laptop, notebook, and other portable computers; and home computers used for work-  
18 related purposes.

19 T. As used herein, the term "backup" includes but is not limited to backup  
20 disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage,  
21 whether stored on-site with the computers used to generate them or off-site in another  
22 computer facility or by a third party.

23 U. As used herein, the phrase "describe" means to set out every aspect of  
24 every fact, circumstance, act, omission, or course of conduct known to you relating in any  
25 way to the matter inquired about, including, without limitation, the date and place thereof,  
26 the identity of each person present, connected therewith, or who has knowledge thereof,

1 the identity of all documents relating thereto, and if anything was said by any person, the  
2 identity of each such person and each such oral statement, and if the oral statement in  
3 whole or in part was contained, reported, summarized or referred to in any documents, the  
4 identity of each such document.

5 V. The term "person" means any individual, partnership, corporation, firm,  
6 association, or other business or legal entity.

7 W. The terms "and" and "or" wherever used herein shall be understood in both  
8 the conjunctive and disjunctive sense, synonymous with "and/or."

9 X. The terms "any" and "all" wherever used herein shall be understood in  
10 their most inclusive sense, synonymous with "any or all."

11 Y. "Identity" or "identify" means:

12 (a) when used with reference to a natural person, to state his or her full  
13 name, his or her present home address, present business address, present home and  
14 business telephone numbers, occupation, present or last known position, and business  
15 affiliation;

16 (b) when used in reference to any entity, such as a partnership, joint  
17 venture, trust, or corporation, to state the full legal name of such entity, each name under  
18 which such entity does business, the entity's street address, the entity's telephone number,  
19 the identity of the chief operating officer, manager, trustee, or other principal  
20 representative and the identity of those persons employed by or otherwise acting for such  
21 entity who are known or are believed to possess the knowledge or information responsive  
22 to the interrogatory and for which the entity was identified;

23 (c) when used with reference to documents, to state specifically:

24 (i) the type of documents involved (e.g., letter, interoffice  
25 memorandum, etc.), together with information sufficient to enable defendant to  
26 locate the document, such as its date, the name of any addressee, the name of any

1 signer, the title or heading of the documents and its approximate number of pages;  
2 and

3 (ii) the identity of the person last known to have possession of  
4 the document, together with the present or last known location of the document. If  
5 any document was, but is no longer, in your possession, custody or control,  
6 identify the document, state what disposition was made of it and the reason for  
7 such disposition. In lieu of identifying documents, copies may be provided.

8 (d) when used with reference to damages or injuries, to state  
9 specifically:

10 (i) the date on which the damage or injury occurred,  
11 (ii) the monetary value of the damage or injury, and  
12 (iii) any other persons or entities involved in the events or  
13 circumstances giving rise to the alleged damage or injury.

14 (e) when used with reference to a legal action, to state specifically:

15 (i) the date and place each such action was filed, giving the  
16 name of the court and the name of the other party or parties involved, the cause  
17 number, and the names and addresses of the attorneys representing each party;  
18 (ii) a description of the nature of each action; and  
19 (iii) the result of each such action, whether there was an appeal,  
20 the results of the appeal, whether such case was reported and the name, volume  
21 number and page citation of such report.

22 **INTERROGATORIES**

23 **INTERROGATORY NO. 1.** Please identify every person who has been a  
24 member of the Board of OFC since April 1993, including all current members of the Board  
25 of OFC.

26 **ANSWER:**



1           **INTERROGATORY NO. 2.** Please identify every person who was a staff  
2 member of OFC at the time the Israel Boycott and Divestment policies were considered  
3 and/or enacted by the Board of OFC.

4           **ANSWER:**

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8           **INTERROGATORY NO. 3.** Please identify every communication from a staff  
9 member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the  
10 Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted  
11 by the Board of OFC.

12           **ANSWER:**

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16           **INTERROGATORY NO. 4.** Please identify any expert witness you expect to  
17 call at trial and, as to each such witness, provide:

- 18           (a) The person's name, occupation, title, business address, area of  
19 specialization, if any, and professional relationship to you;
- 20           (b) The subject matter on which the person is expected to testify;
- 21           (c) The substance of the facts and opinions to which the person is expected to  
22 testify and a summary of the grounds for each opinion;
- 23           (d) All data or other information considered by the person in forming his or her  
24 opinions;
- 25           (e) A statement of the person's qualifications, including a list of all  
26 publications authored by the person in the past 10 years;
- (f) The identity of any exhibits to be used as a summary of or support for the  
            person's opinions;
- (g) The compensation to be paid to the person in connection with his or her  
            work as an expert witness; and

1 (h) A list of all other cases in which the person has testified by deposition or at  
2 trial and the identity of the attorneys who questioned the person.

3 ANSWER:

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7 **REQUESTS FOR PRODUCTION**

8 **REQUEST FOR PRODUCTION NO. 1.:** Please produce all documents that  
9 relate in any way to boycotting and/or divesting from Israel, including but not limited to  
10 all documents that were considered by the Board of OFC in enacting the Israel Boycott  
11 and Divestment policies; all committee or Board minutes relating to the Israel Boycott and  
12 Divestment policies; notes and comments relating to those minutes; and all documents  
13 that reference or discuss the policies and/or procedures considered and/or followed by the  
14 Board of OFC in enacting the Israel Boycott and Divestment policies.

15 RESPONSE:

16  
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19 **REQUEST FOR PRODUCTION NO. 2.:** To the extent not produced in  
20 response to a prior request for production, please produce all documents relating to any  
21 effort or consideration given by the Board of OFC to boycotting products of any country  
22 or geographic area other than Israel—whether such boycott was enacted or not—including  
23 but not limited to all documents that reference or discuss the policies and/or procedures  
24 considered and/or followed by the Board of OFC in connection therewith.

25 RESPONSE:

1           **REQUEST FOR PRODUCTION NO. 3.:** To the extent not produced in  
2 response to a prior request for production, please produce all documents that relate in any  
3 way to the rules and/or procedures of OFC regarding boycotts, including but not limited to  
4 any previous boycott policies and/or procedures and any changes to such policies and/or  
5 procedures.

6           **RESPONSE:**

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10           **REQUEST FOR PRODUCTION NO. 4.:** To the extent not produced in  
11 response to a prior request for production, please produce all communications between  
12 yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any  
13 product or products, including but not limited to communications relating to the boycott  
14 policies and procedures of OFC.

15           **RESPONSE:**

16  
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18           **REQUEST FOR PRODUCTION NO. 5.:** Please produce all documents  
19 identified in your Answer to Interrogatory No. 3.

20           **RESPONSE:**

21 INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of  
22 September, 2011.

23           McNAUL EBEL NAWROT & HELGREN PLLC

24 By: 

25           Robert M. Sulkin, WSBA No. 15425  
26           Avi J. Lipman, WSBA No. 37661

          Attorneys for Plaintiffs

1 ANSWERS AND RESPONSES dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

2  
3 By: \_\_\_\_\_  
4 JULIA SOKOLOFF, Defendant

5  
6 CERTIFICATION

7 Plaintiffs certify that they have read the foregoing *Plaintiffs' First Discovery*  
8 *Requests to Defendants* and any objections thereto, and the answers, responses and  
9 objections are in compliance with CR 26(g).

10 By: \_\_\_\_\_  
11 \_\_\_\_\_, Attorney for Defendants  
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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

PLAINTIFFS' FIRST DISCOVERY REQUESTS TO DEFENDANTS

TO: JOELLEN REINECK WILHELM, Defendant.

Pursuant to CR 33 and CR 34, Plaintiffs Kent and Linda Davis, Jeffrey and Susan Trinin, and Susan Mayer, derivatively on behalf of Olympia Food Cooperative (referred to herein as "OFC") (referred to collectively herein as "Plaintiffs"), request that Defendant JOELLEN REINECK WILHELM ("Defendant") respond to the following interrogatories and requests for production.

Pursuant to CR 33, you are being served with the original and one copy of the

COPY

1 interrogatories. To facilitate preparation of answers and responses, Plaintiffs will  
2 additionally provide an electronic copy of the document to you by electronic mail at your  
3 request. Please insert your answers on the original in the space provided following each  
4 interrogatory, or use additional pages if necessary. Please serve the completed original on  
5 the undersigned. Each interrogatory is to be answered fully and separately, in writing and  
6 under oath, within 40 days of service upon you.

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8 service thereof, produce for inspection and copying the documents described below at the  
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13 forth in the Local Civil Rules, and are not intended to broaden such definitions and  
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16 case known as *Kent L. and Linda Davis; Jeffrey and Susan Trinin; and Susan Mayer,*  
17 *derivatively on behalf of Olympia Food Cooperative v. Grace Cox; Rochelle Gause; Erin*  
18 *Genia; T.J. Johnson; Jayne Kaszynski; Jackie Krzyzek; Jessica Laing; Ron Lavigne;*  
19 *Harry Levine; Eric Mapes; John Nason; John Regan; Rob Richards; Suzanne Shafer;*  
20 *Julia Sokoloff; and Joellen Reineck Wilhelm,* now pending in Thurston County Superior  
21 Court.

22 B. The terms "you" and "your" whenever used herein shall be understood to  
23 mean Defendant JOELLEN REINECK WILHELM individually, as well as JOELLEN  
24 REINECK WILHELM's current and former attorneys, agents, principals, employees,  
25 and/or representatives.

26 C. The term "Board of OFC," as used herein, shall be understood to mean the

1 Board of Directors of the Olympia Food Cooperative, and its current and former attorneys,  
2 agents, principals, employees, and/or representatives.

3 D. The term "Boycott Policy," as used herein, shall be understood to mean the  
4 policy OFC publicly represents was adopted in May 1993 by the Board of OFC regarding  
5 the means, terms, exceptions, and procedures by which OFC shall, "whenever  
6 possible...honor nationally recognized boycotts."

7 E. The term "Israel Boycott," as used herein, shall be understood to mean the  
8 decision by the Board of OFC in July 2010 to boycott products made in the State of Israel.

9 F. The term "Divestment," as used herein, shall be understood to mean the  
10 decision by the Board of OFC in July 2010 to divest from investment in Israeli companies.

11 G. The term "Israel Boycott and Divestment policies," as used herein, shall be  
12 understood to mean the policies that came into existence as a result of the decisions  
13 described in paragraphs D and E herein.

14 H. These interrogatories and requests for production are intended to be a  
15 continuing obligation upon Defendant to furnish all information requested herein until  
16 final disposition of this case. Corrections and supplemental responses are required as  
17 provided for in the Rules of Civil Procedure. **Plaintiffs will move the Court to exclude**  
18 **the testimony of any person not identified or evidence not disclosed in answers to**  
19 **these interrogatories, and will move to dismiss any claims related to any requested**  
20 **documents within the possession, custody or control of Defendant that Defendant**  
21 **fails to produce or to identify individually on a privilege log in response to these**  
22 **requests, and will move to exclude any other evidence offered by Defendant related**  
23 **to such documents.**

24 I. These requests seek documents and information in the possession, custody,  
25 or control of Defendant, including (by way of example and not limitation) documents and  
26 information in the possession of Defendant's current and former attorneys, agents,



1 principals, accountants, and appraisers.

2 J. In responding to each request for production, if you do not produce a  
3 document in whole or in part because you are unable to do so, or for any other reason, you  
4 are requested to state the name and address of each person whom you believe has custody,  
5 possession, or control of the document.

6 K. Objections and claims of privilege should not be made in a general, blanket  
7 fashion. Rather, Defendant must indicate which objections or claims of privilege are  
8 asserted with regard to each discovery request. If only part of a discovery request is  
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10 with regard to each such part.

11 L. With regard to attorney-client privilege and work product doctrine  
12 objections to interrogatories, describe the factual basis for your claim of privilege,  
13 including relevant dates, persons involved in the communication, subject matters  
14 involved, all persons present when the communications occurred, all persons who have  
15 been told about any of the details of the communication, and other information which  
16 would permit the Court to adjudicate the validity of the claim of privilege.

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18 privilege or work product doctrine, prepare a document-by-document privilege log stating  
19 the type of document (i.e. letter, memorandum, notes, etc.), date, preparer, intended  
20 recipient(s), subject matter(s), and persons who have received the document or have been  
21 told about the contents thereof, and other information which would permit the Court to  
22 adjudicate the validity of the claim or privilege. This privilege log must be produced  
23 contemporaneously with the documents produced in response to these requests.

24 N. If you object in part to any request for production, please respond to the  
25 remainder completely.

26 O. In responding to each request for production, please identify by number

1 each and every request to which the documents are responsive.

2 P. All documents should be produced in the same order as they are kept or  
3 maintained by you in the ordinary course of business and in the manual, booklet, binder,  
4 file, folder, envelope, or other container in which they are ordinarily kept or maintained.  
5 If for any reason the container cannot be produced, produce copies of all labels or other  
6 identifying markings thereon.

7 Q. The term "documents" or "records" are intended to be interchangeable and  
8 to be construed in their broadest sense including, but not limited to any original, recorded,  
9 or graphic matter (handwritten, typed, computer-generated, or otherwise produced) and all  
10 non-identical copies of each such writing (whether different from the original because of  
11 notes made on such copy or otherwise), including but not limited to: reports, drafts,  
12 working papers, records, files, memoranda, invoices, correspondence, e-mail, drawings,  
13 schedules, cost sheets and quotation forms, bids, computer-generated and mechanically-  
14 created records, laser disks, compact disks, quotations, transcriptions of telephone  
15 conversations, notes, diaries, printouts, photographs, movies, mechanical or sound  
16 recordings or transcripts thereof, videotape, letters and all enclosures thereto, telegrams,  
17 tape recordings, transmittal documents, rough letters, revisions, superseded documents,  
18 telexes, scratch papers, notebooks, notices, purchase orders, contracts, bills of lading,  
19 amendments, modifications, revisions, agreements, bills, estimates, statements of account,  
20 claims, specifications, logs, journals, work orders, charge orders, vouchers, registers, and  
21 all other manner and form of communication not otherwise expressly described.

22 As noted, the terms "documents" or "records" include, among other information,  
23 information stored in machine-readable form. In determining where responsive documents  
24 in this form might be located, consider whether you have any equipment or media which  
25 contain "documents" as defined herein, including but not limited to:

- 26 (1) Desktop personal computers (PCs) or workstations; PCs,

1 workstations, minicomputers, or mainframes used as file servers, application servers, or  
2 electronic mail servers; other minicomputers and mainframes; laptop, notebook, and other  
3 portable computers; and home computers used for work-related purposes.

4 (2) Backup disks and tapes, archival disks and tapes, flashdrives, and  
5 other forms of offline storage, whether stored on-site with the computers used to generate  
6 them or off-site in another computer facility or by a third party; and,

7 (3) Electronic mail messages, even if available only on backup or  
8 archive disks or tapes.

9 R. Except as otherwise specified herein, provide responsive machine-readable  
10 information in its original format. All databases should be in either MS Excel or MS  
11 Access. All other files should be in MS Office format, preferably 2000. All e-mail should  
12 be saved in a PST file to be read by MS Outlook. All data should be burned to CD-ROM.  
13 If you have any questions concerning what constitutes an appropriate format, please  
14 contact counsel for Plaintiffs.

15 S. Unless otherwise specified herein, the term “computer” includes but is not  
16 limited to desktop PCs, workstations, minicomputers, or mainframes used as file servers,  
17 application servers, or electronic mail servers; other minicomputers and mainframes;  
18 laptop, notebook, and other portable computers; and home computers used for work-  
19 related purposes.

20 T. As used herein, the term “backup” includes but is not limited to backup  
21 disks and tapes, archival disks and tapes, flashdrives, and other forms of offline storage,  
22 whether stored on-site with the computers used to generate them or off-site in another  
23 computer facility or by a third party.

24 U. As used herein, the phrase “describe” means to set out every aspect of  
25 every fact, circumstance, act, omission, or course of conduct known to you relating in any  
26 way to the matter inquired about, including, without limitation, the date and place thereof,

1 the identity of each person present, connected therewith, or who has knowledge thereof,  
2 the identity of all documents relating thereto, and if anything was said by any person, the  
3 identity of each such person and each such oral statement, and if the oral statement in  
4 whole or in part was contained, reported, summarized or referred to in any documents, the  
5 identity of each such document.

6 V. The term "person" means any individual, partnership, corporation, firm,  
7 association, or other business or legal entity.

8 W. The terms "and" and "or" wherever used herein shall be understood in both  
9 the conjunctive and disjunctive sense, synonymous with "and/or."

10 X. The terms "any" and "all" wherever used herein shall be understood in  
11 their most inclusive sense, synonymous with "any or all."

12 Y. "Identity" or "identify" means:

13 (a) when used with reference to a natural person, to state his or her full  
14 name, his or her present home address, present business address, present home and  
15 business telephone numbers, occupation, present or last known position, and business  
16 affiliation;

17 (b) when used in reference to any entity, such as a partnership, joint  
18 venture, trust, or corporation, to state the full legal name of such entity, each name under  
19 which such entity does business, the entity's street address, the entity's telephone number,  
20 the identity of the chief operating officer, manager, trustee, or other principal  
21 representative and the identity of those persons employed by or otherwise acting for such  
22 entity who are known or are believed to possess the knowledge or information responsive  
23 to the interrogatory and for which the entity was identified;

24 (c) when used with reference to documents, to state specifically:

25 (i) the type of documents involved (e.g., letter, interoffice  
26 memorandum, etc.), together with information sufficient to enable defendant to

1 locate the document, such as its date, the name of any addressee, the name of any  
2 signer, the title or heading of the documents and its approximate number of pages;  
3 and

4 (ii) the identity of the person last known to have possession of  
5 the document, together with the present or last known location of the document. If  
6 any document was, but is no longer, in your possession, custody or control,  
7 identify the document, state what disposition was made of it and the reason for  
8 such disposition. In lieu of identifying documents, copies may be provided.

9 (d) when used with reference to damages or injuries, to state  
10 specifically:

11 (i) the date on which the damage or injury occurred,

12 (ii) the monetary value of the damage or injury, and

13 (iii) any other persons or entities involved in the events or  
14 circumstances giving rise to the alleged damage or injury.

15 (e) when used with reference to a legal action, to state specifically:

16 (i) the date and place each such action was filed, giving the  
17 name of the court and the name of the other party or parties involved, the cause  
18 number, and the names and addresses of the attorneys representing each party;

19 (ii) a description of the nature of each action; and

20 (iii) the result of each such action, whether there was an appeal,  
21 the results of the appeal, whether such case was reported and the name, volume  
22 number and page citation of such report.

### 23 INTERROGATORIES

24 INTERROGATORY NO. 1.: Please identify every person who has been a  
25 member of the Board of OFC since April 1993, including all current members of the Board  
26 of OFC.

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ANSWER:

INTERROGATORY NO. 2.: Please identify every person who was a staff member of OFC at the time the Israel Boycott and Divestment policies were considered and/or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 3.: Please identify every communication from a staff member of OFC to the Board of OFC relating to the Boycott Policy of OFC; and/or the Israel Boycott and Divestment policies; and/or any other boycott ever considered or enacted by the Board of OFC.

ANSWER:

INTERROGATORY NO. 4.: Please identify any expert witness you expect to call at trial and, as to each such witness, provide:

- (a) The person’s name, occupation, title, business address, area of specialization, if any, and professional relationship to you;
- (b) The subject matter on which the person is expected to testify;
- (c) The substance of the facts and opinions to which the person is expected to testify and a summary of the grounds for each opinion;
- (d) All data or other information considered by the person in forming his or her opinions;
- (e) A statement of the person’s qualifications, including a list of all publications authored by the person in the past 10 years;
- (f) The identity of any exhibits to be used as a summary of or support for the person’s opinions;

- 1 (g) The compensation to be paid to the person in connection with his or her  
2 work as an expert witness; and  
3 (h) A list of all other cases in which the person has testified by deposition or at  
4 trial and the identity of the attorneys who questioned the person.

5 **ANSWER:**

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8 **REQUESTS FOR PRODUCTION**

9 **REQUEST FOR PRODUCTION NO. 1:** Please produce all documents that  
10 relate in any way to boycotting and/or divesting from Israel, including but not limited to  
11 all documents that were considered by the Board of OFC in enacting the Israel Boycott  
12 and Divestment policies; all committee or Board minutes relating to the Israel Boycott and  
13 Divestment policies; notes and comments relating to those minutes; and all documents  
14 that reference or discuss the policies and/or procedures considered and/or followed by the  
15 Board of OFC in enacting the Israel Boycott and Divestment policies.

16 **RESPONSE:**

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19 **REQUEST FOR PRODUCTION NO. 2:** To the extent not produced in  
20 response to a prior request for production, please produce all documents relating to any  
21 effort or consideration given by the Board of OFC to boycotting products of any country  
22 or geographic area other than Israel—whether such boycott was enacted or not—including  
23 but not limited to all documents that reference or discuss the policies and/or procedures  
24 considered and/or followed by the Board of OFC in connection therewith.

25 **RESPONSE:**

1           **REQUEST FOR PRODUCTION NO. 3.:** To the extent not produced in  
2 response to a prior request for production, please produce all documents that relate in any  
3 way to the rules and/or procedures of OFC regarding boycotts, including but not limited to  
4 any previous boycott policies and/or procedures and any changes to such policies and/or  
5 procedures.

6           **RESPONSE:**

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9           **REQUEST FOR PRODUCTION NO. 4.:** To the extent not produced in  
10 response to a prior request for production, please produce all communications between  
11 yourself and anyone regarding OFC boycotting—and/or attempting to boycott—any  
12 product or products, including but not limited to communications relating to the boycott  
13 policies and procedures of OFC.

14           **RESPONSE:**

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17           **REQUEST FOR PRODUCTION NO. 5.:** Please produce all documents  
18 identified in your Answer to Interrogatory No. 3.

19           **RESPONSE:**

20 INTERROGATORIES AND REQUESTS FOR PRODUCTION DATED this 7th day of  
21 September, 2011.

22 McNAUL EBEL NAWROT & HELGREN PLLC

23 By: \_\_\_\_\_

24 Robert M. Sulkin, WSBA No. 15425  
25 Avi J. Lipman, WSBA No. 37661

26 Attorneys for Plaintiffs



1 ANSWERS AND RESPONSES dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

2  
3 By: \_\_\_\_\_  
4 JOELLEN REINECK WILHELM, Defendant

5  
6 CERTIFICATION

7 Plaintiffs certify that they have read the foregoing *Plaintiffs' First Discovery*  
8 *Requests to Defendants* and any objections thereto, and the answers, responses and  
9 objections are in compliance with CR 26(g).

10 By: \_\_\_\_\_  
11 \_\_\_\_\_, Attorney for Defendants  
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# EXHIBIT C

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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

NOTICE OF VIDEOTAPED  
DEPOSITION OF GRACE COX

TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;  
JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON  
LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN  
REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;  
and JOELLEN REINECK WILHELM, Defendants;

AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for  
Defendants

PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and  
Susan Trinin; and Susan Mayer will take the videotaped deposition of Grace Cox at the

1 following time and place:

2 DATE: October 31, 2011

3 TIME: 1:30 pm

4 PLACE: Washington Farm Bureau  
5 975 Carpenter Road Northeast  
6 Green Room  
Lacey, WA 98516

7 The deposition will be subject to continuance from time to time or place to place until  
8 completed.

9 DATED this 30<sup>th</sup> day of September, 2011.

10 McNAUL EBEL NAWROT & HELGREN PLLC

11  
12 By: 

Robert M. Sulkin, WSBA No. 15425

Avi J. Lipman, WSBA No. 37661

13 Attorneys for Plaintiffs  
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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

NOTICE OF VIDEOTAPED  
DEPOSITION OF **ROCHELLE  
GAUSE**

TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;  
JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON  
LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN  
REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;  
and JOELLEN REINECK WILHELM, Defendants;

AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for  
Defendants

PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and  
Susan Trinin; and Susan Mayer will take the videotaped deposition of **Rochelle Gause** at

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the following time and place:

DATE: November 1, 2011  
TIME: 1:30 pm  
PLACE: Washington Farm Bureau  
975 Carpenter Road Northeast  
Green Room  
Lacey, WA 98516

The deposition will be subject to continuance from time to time or place to place until completed.

DATED this 30<sup>th</sup> day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC

By:   
Robert M. Sulkin, WSBA No. 15425  
Avi J. Lipman, WSBA No. 37661  
Attorneys for Plaintiffs

Hon. Paula Casey

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

NOTICE OF VIDEOTAPED  
DEPOSITION OF ERIN GENIA

TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;  
JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON  
LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN  
REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;  
and JOELLEN REINECK WILHELM, Defendants;

AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for  
Defendants

PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and  
Susan Trinin; and Susan Mayer will take the videotaped deposition of **Erin Genia** at the



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following time and place:

DATE: November 30, 2011  
TIME: 9:30 am  
PLACE: Washington Farm Bureau  
975 Carpenter Road Northeast  
Green Room  
Lacey, WA 98516

The deposition will be subject to continuance from time to time or place to place until completed.

DATED this 30<sup>th</sup> day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC

By:   
Robert M. Sulkin, WSBA No. 15425  
Avi J. Lipman, WSBA No. 37661  
Attorneys for Plaintiffs

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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

NOTICE OF VIDEOTAPED  
DEPOSITION OF T.J. JOHNSON

TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;  
JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON  
LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN  
REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;  
and JOELLEN REINECK WILHELM, Defendants;

AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for  
Defendants

PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and  
Susan Trinin; and Susan Mayer will take the videotaped deposition of T.J. Johnson at the

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following time and place:

DATE: November 2, 2011  
TIME: 9:30 am  
PLACE: Washington Farm Bureau  
975 Carpenter Road Northeast  
Green Room  
Lacey, WA 98516

The deposition will be subject to continuance from time to time or place to place until completed.

DATED this 30<sup>th</sup> day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC

By:   
Robert M. Sulkin, WSBA No. 15425  
Avi J. Lipman, WSBA No. 37661  
Attorneys for Plaintiffs

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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

NOTICE OF VIDEOTAPED  
DEPOSITION OF JAYNE  
KASZYNSKI

TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;  
JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON  
LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN  
REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;  
and JOELLEN REINECK WILHELM, Defendants;

AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for  
Defendants

PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and  
Susan Trinin; and Susan Mayer will take the videotaped deposition of Jayne Kaszynski

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at the following time and place:

DATE: November 2, 2011  
TIME: 1:30 pm  
PLACE: Washington Farm Bureau  
975 Carpenter Road Northeast  
Green Room  
Lacey, WA 98516

The deposition will be subject to continuance from time to time or place to place until completed.

DATED this 30<sup>th</sup> day of September, 2011.

MCNAUL EBEL NAWROT & HELGREN PLLC

By:   
Robert M. Sulkin, WSBA No. 15425  
Avi J. Lipman, WSBA No. 37661  
Attorneys for Plaintiffs

Hon. Paula Casey

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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

NOTICE OF VIDEOTAPED  
DEPOSITION OF **JACKIE  
KRZYZEK**

TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;  
JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON  
LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN  
REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;  
and JOELLEN REINECK WILHELM, Defendants;

AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for  
Defendants

PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and  
Susan Trinin; and Susan Mayer will take the videotaped deposition of **Jackie Krzyzek** at

1 the following time and place:

2 DATE: December 1, 2011


3 TIME: 1:30 pm

4 PLACE: Washington Farm Bureau  
5 975 Carpenter Road Northeast  
6 Green Room  
Lacey, WA 98516

7 The deposition will be subject to continuance from time to time or place to place until  
8 completed.

9 DATED this 30<sup>th</sup> day of September, 2011.

10 McNAUL EBEL NAWROT & HELGREN PLLC

11  
12 By:   
13 Robert M. Sulkin, WSBA No. 15425  
14 Avi J. Lipman, WSBA No. 37661  
Attorneys for Plaintiffs

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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

NOTICE OF VIDEOTAPED  
DEPOSITION OF JESSICA LAING

TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;  
JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON  
LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN  
REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;  
and JOELLEN REINECK WILHELM, Defendants;

AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for  
Defendants

PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and  
Susan Trinin; and Susan Mayer will take the videotaped deposition of Jessica Laing at



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the following time and place:

DATE: December 2, 2011  
TIME: 1:30 pm  
PLACE: Washington Farm Bureau  
975 Carpenter Road Northeast  
Green Room  
Lacey, WA 98516

The deposition will be subject to continuance from time to time or place to place until completed.

DATED this 30<sup>th</sup> day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC

By:   
Robert M. Sulkin, WSBA No. 15425  
Avi J. Lipman, WSBA No. 37661  
Attorneys for Plaintiffs

Hon. Paula Casey

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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

NOTICE OF VIDEOTAPED  
DEPOSITION OF RON LAVIGNE

TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;  
JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON  
LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN  
REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;  
and JOELLEN REINECK WILHELM, Defendants;

AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for  
Defendants

PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and  
Susan Trinin; and Susan Mayer will take the videotaped deposition of Ron Lavigne at the

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following time and place:

DATE: November 4, 2011  
TIME: 9:30 am  
PLACE: Washington Farm Bureau  
975 Carpenter Road Northeast  
Green Room  
Lacey, WA 98516

The deposition will be subject to continuance from time to time or place to place until completed.

DATED this 30<sup>th</sup> day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC

By:   
Robert M. Sulkin, WSBA No. 15425  
Avi J. Lipman, WSBA No. 37661  
Attorneys for Plaintiffs

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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

NOTICE OF VIDEOTAPED  
DEPOSITION OF **HARRY LEVINE**

TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;  
JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON  
LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN  
REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;  
and JOELLEN REINECK WILHELM, Defendants;

AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for  
Defendants

PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and  
Susan Trinin; and Susan Mayer will take the videotaped deposition of **Harry Levine** at

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the following time and place:

DATE: October 31, 2011  
TIME: 9:30 am  
PLACE: Washington Farm Bureau  
975 Carpenter Road Northeast  
Green Room  
Lacey, WA 98516

The deposition will be subject to continuance from time to time or place to place until completed.

DATED this 30<sup>th</sup> day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC

By:   
Robert M. Sulkin, WSBA No. 15425  
Avi J. Lipman, WSBA No. 37661  
Attorneys for Plaintiffs

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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

NOTICE OF VIDEOTAPED  
DEPOSITION OF ERIC MAPES

TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;  
JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON  
LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN  
REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;  
and JOELLEN REINECK WILHELM, Defendants;

AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for  
Defendants

PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and  
Susan Trinin; and Susan Mayer will take the videotaped deposition of Eric Mapes at the

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following time and place:

DATE: December 5, 2011  
TIME: 9:30 am  
PLACE: Washington Farm Bureau  
975 Carpenter Road Northeast  
Green Room  
Lacey, WA 98516

The deposition will be subject to continuance from time to time or place to place until completed.

DATED this 30<sup>th</sup> day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC

By:   
Robert M. Sulkin, WSBA No. 15425  
Avi J. Lipman, WSBA No. 37661  
Attorneys for Plaintiffs

Hon. Paula Casey

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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

NOTICE OF VIDEOTAPED  
DEPOSITION OF **JOHN NASON**

TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;  
JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON  
LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN  
REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;  
and JOELLEN REINECK WILHELM, Defendants;

AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for  
Defendants

PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and  
Susan Trinin; and Susan Mayer will take the videotaped deposition of **John Nason** at the



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following time and place:


DATE: November 1, 2011  
TIME: 9:30 am  
PLACE: Washington Farm Bureau  
975 Carpenter Road Northeast  
Green Room  
Lacey, WA 98516

The deposition will be subject to continuance from time to time or place to place until completed.

DATED this 30<sup>th</sup> day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC

By:

  
Robert M. Sulkin, WSBA No. 15425  
Avi J. Lipman, WSBA No. 37661

Attorneys for Plaintiffs

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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

KENT L. and LINDA DAVIS; JEFFREY  
and SUSAN TRININ; and SUSAN  
MAYER, derivatively on behalf of  
OLYMPIA FOOD COOPERATIVE,  
  
Plaintiffs,

No. 11-2-01925-7

NOTICE OF VIDEOTAPED  
DEPOSITION OF JOHN REGAN

v.

GRACE COX; ROCHELLE GAUSE;  
ERIN GENIA; T.J. JOHNSON; JAYNE  
KASZYNSKI; JACKIE KRZYZEK;  
JESSICA LAING; RON LAVIGNE;  
HARRY LEVINE; ERIC MAPES; JOHN  
NASON; JOHN REGAN; ROB  
RICHARDS; SUZANNE SHAFER; JULIA  
SOKOLOFF; and JOELLEN REINECK  
WILHELM,  
  
Defendants.

TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;  
JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON  
LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN  
REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;  
and JOELLEN REINECK WILHELM, Defendants;

AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for  
Defendants

PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and  
Susan Trinin; and Susan Mayer will take the videotaped deposition of **John Regan** at the

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following time and place:

DATE: November 30, 2011  
TIME: 1:30 pm  
PLACE: Washington Farm Bureau  
975 Carpenter Road Northeast  
Green Room  
Lacey, WA 98516

The deposition will be subject to continuance from time to time or place to place until completed.

DATED this 30<sup>th</sup> day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC

By:   
Robert M. Sulkin, WSBA No. 15425  
Avi J. Lipman, WSBA No. 37661  
Attorneys for Plaintiffs

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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

NOTICE OF VIDEOTAPED  
DEPOSITION OF **ROB RICHARDS**

TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;  
JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON  
LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN  
REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;  
and JOELLEN REINECK WILHELM, Defendants;

AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for  
Defendants

PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and  
Susan Trinin; and Susan Mayer will take the videotaped deposition of **Rob Richards** at

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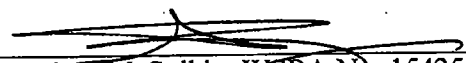
the following time and place:

DATE: December 1, 2011  
TIME: 9:30 am  
PLACE: Washington Farm Bureau  
975 Carpenter Road Northeast  
Green Room  
Lacey, WA 98516

The deposition will be subject to continuance from time to time or place to place until completed.

DATED this 30<sup>th</sup> day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC

By:   
Robert M. Sulkin, WSBA No. 15425  
Avi J. Lipman, WSBA No. 37661  
Attorneys for Plaintiffs

Hon. Paula Casey

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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

NOTICE OF VIDEOTAPED  
DEPOSITION OF **SUZANNE  
SHAFER**

TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;  
JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON  
LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN  
REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;  
and JOELLEN REINECK WILHELM, Defendants;

AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for  
Defendants

PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and  
Susan Trinin; and Susan Mayer will take the videotaped deposition of **Suzanne Shafer** at

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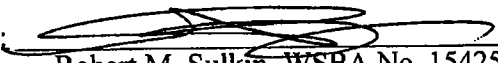
the following time and place:

DATE: November 3, 2011  
TIME: 9:30 am  
PLACE: Washington Farm Bureau  
975 Carpenter Road Northeast  
Green Room  
Lacey, WA 98516

The deposition will be subject to continuance from time to time or place to place until completed.

DATED this 30<sup>th</sup> day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC

By:   
Robert M. Sulkin, WSBA No. 15425  
Avi J. Lipman, WSBA No. 37661  
Attorneys for Plaintiffs

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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

NOTICE OF VIDEOTAPED  
DEPOSITION OF **JULIA  
SOKOLOFF**

TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;  
JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON  
LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN  
REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;  
and JOELLEN REINECK WILHELM, Defendants;

AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for  
Defendants

PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and  
Susan Trinin; and Susan Mayer will take the videotaped deposition of **Julia Sokoloff** at



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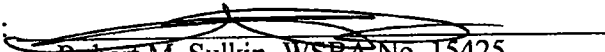
DATE: December 2, 2011  
TIME: 9:30 am  
PLACE: Washington Farm Bureau  
975 Carpenter Road Northeast  
Green Room  
Lacey, WA 98516

The deposition will be subject to continuance from time to time or place to place until completed.

DATED this 30<sup>th</sup> day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC

By:

  
Robert M. Sulkin, WSBA No. 15425  
Avi J. Lipman, WSBA No. 37661  
Attorneys for Plaintiffs

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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

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

Plaintiffs,

v.

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

Defendants.

No. 11-2-01925-7

NOTICE OF VIDEOTAPED  
DEPOSITION OF **JOELLEN  
REINECK WILHELM**

TO: GRACE COX; ROCHELLE GAUSE; ERIN GENIA; T.J. JOHNSON;  
JAYNE KASZYNSKI; JACKIE KRZYZEK; JESSICA LAING; RON  
LAVIGNE; HARRY LEVINE; ERIC MAPES; JOHN NASON; JOHN  
REGAN; ROB RICHARDS; SUZANNE SHAFER; JULIA SOKOLOFF;  
and JOELLEN REINECK WILHELM, Defendants;

AND TO: Bruce E. H. Johnson, and Davis Wright Tremaine, LLLP, counsel for  
Defendants

PLEASE TAKE NOTICE that Plaintiffs Kent L. and Linda Davis; Jeffrey and  
Susan Trinin; and Susan Mayer will take the videotaped deposition of **Joellen Reineck**

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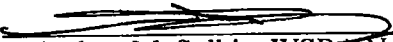
**Wilhelm** at the following time and place:

DATE: November 3, 2011  
TIME: 1:30 pm  
PLACE: Washington Farm Bureau  
975 Carpenter Road Northeast  
Green Room  
Lacey, WA 98516

The deposition will be subject to continuance from time to time or place to place until completed.

DATED this 30<sup>th</sup> day of September, 2011.

McNAUL EBEL NAWROT & HELGREN PLLC

By:   
Robert M. Sulkin, WSBA No. 15425  
Avi J. Lipman, WSBA No. 37661  
Attorneys for Plaintiffs

# EXHIBIT D

**Smith, Devin**

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**From:** Robert Sulkin <RSulkin@mcnaul.com>  
**Sent:** Tuesday, October 04, 2011 10:53 PM  
**To:** Johnson, Bruce  
**Cc:** Avi Lipman; Robin Lindsey  
**Subject:** Re: Our conversation yesterday in Davis v. Cox

We are on the same page.

Sent from my iPad

On Oct 4, 2011, at 1:41 PM, "Johnson, Bruce" <[brucejohnson@dwt.com](mailto:brucejohnson@dwt.com)> wrote:

Bob, we spoke yesterday and agreed upon the following:

1. I will check with the defendants and determine, among those who have not yet been served, which ones will agree to have me accept service, and let you and/or Ari know promptly;
2. The defendants will have until Oct. 31 to file their motion to dismiss/Anti-SLAPP motion to strike;
3. We will work cooperatively to set the briefing schedule, and any oral argument, on the motion identified in #2; and
4. Discovery will be stayed until resolution of that motion.

**Bruce E. H. Johnson** | Davis Wright Tremaine LLP  
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Tel: (206) 757-8069 | Fax: (206) 757-7069 | Mobile: (206) 465-4309  
Email: [brucejohnson@dwt.com](mailto:brucejohnson@dwt.com) | Website: [www.dwt.com](http://www.dwt.com)

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