

The Honorable Robert J. Bryan

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BRIAN P. CARR,

Plaintiff,

v.

SAM REED, in his official capacity as Secretary of State of the State of Washington, and ROB McKENNA, in his official capacity as Attorney General of the State of Washington and representing in their official capacity as representatives of the State of Washington and, separately, as private individuals the Honorable ROBERT L. HARRIS, JOHN F. NICHOLS, BARBARA D. JOHNSON, KENNETH EIESLAND, RICH MELNICK, JOHN HAGENSEN, KELLI E. OSLER, JOEL PENOYAR, (J.) C.C. BRIDGEWATER, J. ROBIN HUNT, GERRY L. ALEXANDER, BARBARA MADSEN, MARY E. FAIRHURST, SUSAN OWENS and JAMES M. JOHNSON as well as other currently unnamed parties as determined by the Court,

Defendants.

No. C07-5260 RJB

INITIAL DISCLOSURES PURSUANT TO FRCP 26(a)(1) OF DEFENDANTS ROBERT L. HARRIS, JOHN F. NICHOLS, BARBARA D. JOHNSON, KENNETH EIESLAND, RICH MELNICK, JOHN HAGENSEN, KELLI E. OSLER

COME NOW Clark County Defendants, the Hon. ROBERT L. HARRIS, Hon. JOHN F. NICHOLS, Hon. BARBARA D. JOHNSON, Hon. KENNETH EIESLAND, Hon. RICH

1 MELNICK, Hon. JOHN HAGENSEN, AND Hon. KELLI E. OSLER, through their undersigned  
2 counsel, and provide the following initial disclosures pursuant to FED. R. CIV. P. 26(a)(1):

3 A. Persons likely to have discoverable information:

4 The following defendants are all expected to have discoverable information to the  
5 extent they were acting as state court judges at all times relevant to the plaintiff's  
6 complaint and made rulings in the cases the plaintiff mentions in his complaint.

- 7 1. Hon. Robert L. Harris  
8 Judge of the Superior Court  
9 Clark County Courthouse  
10 1200 Franklin Street  
11 Vancouver, WA 98660  
12 (360) 397-2292
- 13 2. Hon. John F. Nichols  
14 Judge of the Superior Court  
15 Clark County Courthouse  
16 1200 Franklin Street  
17 Vancouver, WA 98660  
18 (360) 397-2292
- 19 3. Hon. Barbara D. Johnson  
20 Judge of the Superior Court  
21 Clark County Courthouse  
22 1200 Franklin Street  
23 Vancouver, WA 98660  
24 (360) 397-2292
- 25 4. Hon. Kenneth Eiesland  
26 Judge of the District Court  
27 Clark County Courthouse  
28 1200 Franklin Street  
29 Vancouver, WA 98660  
(360) 397-2411
5. Richard Melnick  
Judge of the District Court  
Clark County Courthouse  
1200 Franklin Street  
Vancouver, WA 98660  
(360) 397-2411

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6. John Hagensen  
Judge of the District Court  
Clark County Courthouse  
1200 Franklin Street  
Vancouver, WA 98660  
(360) 397-2411
7. Kelli E. Osler  
District Court Commissioner  
Clark County Courthouse  
1200 Franklin Street  
Vancouver, WA 98660  
(360) 397-2411
8. Hon. Joel Penoyar  
Judge of the Washington Court of Appeals, Division II  
950 Broadway, Suite 300  
Tacoma, WA 98402  
(253) 593-2970
9. Hon. C. C. Bridgewater  
Judge of the Washington Court of Appeals, Division II  
950 Broadway, Suite 300  
Tacoma, WA 98402  
(253) 593-2970
10. Hon. J. Robin Hunt  
Judge of the Washington Court of Appeals, Division II  
950 Broadway, Suite 300  
Tacoma, WA 98402  
(253) 593-2970
11. Hon. Gerry L. Alexander  
Chief Justice of the Washington State Supreme Court  
415 12th Ave SW  
PO Box 40929  
Olympia, WA 98504-0929  
(360)357-2077
12. Hon. Barbara Madsen  
Justice of the Washington State Supreme Court  
415 12<sup>th</sup> Ave SW  
PO Box 40929  
Olympia, WA 98504-0929

1 13. Hon. Mary E. Fairhurst  
Justice of the Washington State Supreme Court  
2 415 12<sup>th</sup> Ave SW  
3 PO Box 40929  
4 Olympia, WA 98504-0929

5 14. Hon. Susan Owens  
Justice of the Washington State Supreme Court  
6 415 12<sup>th</sup> Ave SW  
7 PO Box 40929  
8 Olympia, WA 98504-0929

9 15. Hon. James M. Johnson  
Justice of the Washington State Supreme Court  
10 415 12<sup>th</sup> Ave SW  
11 PO Box 40929  
12 Olympia, WA 98504-0929

13 The following individuals may have information about the matters alleged in the  
14 plaintiff's complaint:

15 16. Brian Carr

16 17. Karyn S. Huntting

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19 **B. Nature and Location of Documents Supporting Defenses:**

- 20 1. Documents expected to support the defense are public court files relating  
21 to the cases plaintiff mentions in his complaint. Those files can be found  
22 and viewed at the following locations:
- 23 i. Supreme Court and Court of Appeals files are located at the primary  
24 business offices of the Washington State Supreme Court and the  
25 Washington State Court of Appeals, Division II.
  - 26 ii. Superior Court files may be found at the Clark County Superior Court  
27 Clerk's office, which is located in the Clark County Courthouse at  
28 1200 Franklin Street, Vancouver, WA 98660.
  - 29 iii. District Court files may be found at the Clark County District Court  
Clerk's office, which is located in the Clark County Courthouse at  
1200 Franklin Street, Vancouver, WA 98660.

1 2. The Judicial Information System mentioned by plaintiff in his Complaint  
2 itself has only publicly available material in it and does not include arrest  
3 information.

4 C. Computation of Damages:

5 Not Applicable.

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7 D. Insurance Agreements:

8 Clark County is self-insured for the first \$500,000 of each covered occurrence and  
9 has excess coverage through the Washington Counties Risk Pool of \$10,000,000.  
10 For declarations, please see Exhibit (1), attached.

11 DATED this 15<sup>th</sup> day of August, 2007.

12 s/Bernard F. Veljacic, WSBA #28702  
13 Attorney for Defendants  
14 Clark County Prosecuting Attorney, Civil Division  
15 PO Box 5000  
16 Vancouver WA 98666-5000  
17 Telephone(360) 397-2478  
18 Facsimile (360) 397-2184  
19 bernard.veljacic@clark.wa.gov

20 **CERTIFICATE OF SERVICE**

21 I, Mindy Lamberton, hereby certify that on August 15, 2007, I electronically filed the  
22 foregoing with the Clerk of the Court using the CM/ECF system, who will electronically send  
23 notice to the plaintiff.

24 s/Mindy Lamberton  
25 Clark County Prosecutor's Office, Civil Division  
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