

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Brian P. Carr
Plaintiff

versus

SAM REED, in his official capacity as Secretary of State of the State of Washington, WANDA BRIGGS in her official capacity as Chair of the State of Washington Commission of Judicial Conduct, 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

Civil No. 3:07-cv-05260-RJB

Discovery Request for Documents
and Interrogatories

I, Brian P. Carr, the Plaintiff in this matter ask that the addressed Defendants respond to the attached Interrogatories as required in [FRCP 33](#) (b) (1) with sworn written statements and

attaching requested documents as Exhibits. Service of the responses are requested within 30 days from the date of these Interrogatories as specified in [FRCP 33](#) (b) (3).

In addition, in accordance with [FRCP 34](#), you are requested to provide access to the following documents:

1. Any notes or other papers which Defendant Eiesland may have created prior to 2007 referring to cases 04-2-08824-4 and 04-2-08908-9 which are not part of the public record.
2. Any notes or other papers which Defendant Melnick may have created prior to 2007 referring to cases 04-2-08824-4 and 04-2-08908-9 which are not part of the public record.
3. Any notes or other papers which Defendant Nichols may have created prior to 2007 referring to cases 04-2-08824-4 and 04-2-08908-9 which are not part of the public record.
4. Any notes or other papers which Defendant B. Johnson may have created prior to 2007 referring to cases 04-2-08824-4 and 04-2-08908-9 which are not part of the public record.
5. Records of training in domestic violence and / or sexual discrimination which had been completed prior to 2007 by Defendants Eiesland, Melnick, Nichols, B. Johnson, Hagenson, and Osler.
6. Any notes or minutes of meetings of the Clark County Superior Court at which the appointment of Commissioners was discussed for the years of 2004 through 2007 (Defendants Harris, B. Johnson, and Nichols).
7. Any notes or other papers which Defendant Penoyar may have created prior to 2007 referring to case 32671-0-II which are not part of the public record.
8. Any notes or other papers which Defendant Bridgewater may have created prior to 2007 referring to case 32671-0-II which are not part of the public record.
9. Any notes or other papers which Defendant Hunt may have created prior to 2007 referring to case 32671-0-II which are not part of the public record.
10. Any notes or other papers which Defendant Alexander may have created prior to February, 2007 referring to case 78768-9 which are not part of the public record.
11. Any notes or other papers which Defendant Madsen may have created prior to February, 2007 referring to case 78768-9 which are not part of the public record.
12. Any notes or other papers which Defendant Fairhurst may have created prior to February,

2007 referring to case 78768-9 which are not part of the public record.

13. Any notes or other papers which Defendant Owens may have created prior to February, 2007 referring to case 78768-9 which are not part of the public record.
14. Any notes or other papers which Defendant J. Johnson may have created prior to February, 2007 referring to case 78768-9 which are not part of the public record.
15. Any notes or other records which Defendant Reed may have access to concerning the candidacy of Ernest Edsel for Court of Appeals Division II (opposite Defendant Penoyar) in 2006.
16. Any records of accesses through the Washington State Judicial Information System or other computer systems by any of the above Defendants which may have been referenced when considering the above cases. As a preliminary, information about what is retained when a user accesses the Judicial Information System or other computer system (the design of access records).

Document requests referring to a particular Defendant or group of Defendants are addressed to those Defendants. General requests for documents such as information about the Judicial Information System or other computer system are addressed to all Defendants, though, realistically, Mr. Clark and Mr. Veljacic could coordinate a single response to such requests. Plaintiff requests access to the documents at a mutually agreed upon time and location. Please contact Plaintiff directly to make these arrangements.

A written response to the Plaintiff with the manner of access or your objections should be provided within 30 days of the filing of the request as specified in [FRCP 34](#) (b).

Dated this August 19, 2007 at Vancouver, Clark County, WA.

s/ Brian P Carr
Signature of Plaintiff
Brian Carr
11301 NE 7th St., Apt J5
Vancouver, WA 98684
503-545-8357

Affidavit of Service and Required Notices and Conference

I hereby certify that:

- 1 On June 1, 2007, I served copies of the court's [Order Regarding Discovery and Depositions](#) and [Order Regarding Initial Disclosures](#) via email sent to curt.wyrick@clark.wa.gov and mindy.lamberton@clark.wa.gov for Curt Wyrick and Mindy Lamberton representing Defendants Robert L. Harris, John F. Nichols, Barbara Johnson, John Hagensen, Richard Melnick, Kenneth Eiesland and Kelli Osler as specified in the Notice of Appearance filed with this court on June 1, 2007.
- 2 On June 7, 2007, I served copies of the court's [Order Regarding Discovery and Depositions](#) and [Order Regarding Initial Disclosures](#) via email sent to BillC2@ATG.WA.GOV for William G. Clark representing Defendants Sam Reed, Robert M. McKenna, Joel Penoyar, C.C. Bridgewater, J. Robin Hunt, Gerry L. Alexander, Barbara Madsen, Mary E. Fairhurst, Susan Owens and James M. Johnson as specified in the Notice of Appearance filed with this court on June 7, 2007.
- 3 The [FRCP 26](#) (f) conference was held via telephone conference on August 2, 2007 with William G. Clark, Curt Wyrick, and myself.
- 4 On August 19, 2007, a true and accurate copy of the foregoing Plaintiff's Opposition to Defendants' Motion to Stay Discovery was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system as all parties have elected electronic filing as indicated on the Notice of electronic Filing. Parties access this filing through the court's CM/ECF System.

I certify under penalty of perjury under the laws of the state of Washington and the United States that the foregoing is true and correct.

Dated August 19, 2007 at Vancouver, Clark County, WA.

s/ Brian P Carr
Signature of Plaintiff
Brian Carr
11301 NE 7th St., Apt J5
Vancouver, WA 98684
503-545-8357

Interrogatory For Defendant Kenneth Eiesland

You are hereby requested to answer the following questions with a written sworn statement and to attach the requested documents to your declaration.

- 1 1. On October 15, 2004, did you sign a Clark County Superior Court Temporary Order for
2 Protection in case [04-2-008824-4](#). If so, please attach a copy of the Order and any associated
3 Petition which you reviewed before signing this Order. Please redact any identifying
4 information for my former wife, referred to as Karyn in this matter.
5
- 6 2. If you signed the above order, under what authority did you sign the Order? Please attach any
7 relevant Orders appointing you to a position which authorized you to sign the above order.
8 Please also include a copy of any oaths of office which you swore to in association with these
9 Orders.
10
- 11 3. At what date did you become aware of the wording of Washington Constitution Article IV,
12 Section 23, which, in particular, states that Superior Court Court Commissioners in any given
13 county can not exceed three in number (as listed in the COMPLAINT in this matter)? If it
14 was before 2004, it is acceptable to simply declare 'before 2004'.
15
- 16 4. On October 15, 2004, how many individuals were appointed as Superior Court
17 Commissioners (under authority of Washington Constitution Article IV, Section 23) in Clark
18 County according to your reasonable expectations? If more than three, what actions, if any,
19 did you take to insure compliance with the constitutional limit of three?
20
- 21 5. At what date did you become aware of the wording of RCW 26.50.070, RCW 26.50.030,
22 RCW 26.50.010, and RCW 9A.46.110? If it was before 2004, it is acceptable to simply
23 declare 'before 2004'.
24
- 25 6. If you signed the Clark County Superior Court Temporary Order for Protection in case [04-2-](#)

1 [008824-4](#), please describe any ex parte hearing which was conducted as required by [RCW](#)
2 [26.50.070](#) (3). If there was any such hearing, please attach any records of this ex parte
3 hearing.

4
5 7. If you signed the above order, please cite any evidence which supported the risk of 'irreparable
6 injury' required in [RCW 26.50.070](#) (1)?

7
8 8. If you signed the above order, please cite any evidence which supported the [RCW 26.50.030](#)
9 (3), [RCW 26.50.010](#), and [RCW 9A.46.110](#) requirement of '*Physical harm, bodily injury,*
10 *assault, or the infliction of fear of imminent physical harm, bodily injury or assault,*' or
11 behavior that would cause a reasonable person to fear injury to person or property.

12
13 9. In case Clark County Superior Court Case number 04-2-08908-9, did you sign an [order](#) on
14 January 19, 2005 dismissing the Petition for 'FTA for hearing'? If so, what was your
15 justification for your decision? Please attach a copy of any Order which you signed after
16 redacting all personal identifying information.

17
18 10.If you signed the above order, under what authority did you sign the Order? Please attach any
19 relevant [Orders](#) appointing you to a position which authorized you to sign the above order.
20 Please also include a copy of any oaths of office which you swore to in association with these
21 Orders.

22
23 11.If you signed the above Order on January 19, 2005, were you aware of a Motion to
24 Reschedule the hearing submitted on January 10, 2005 in case 04-2-08908-9 or of a Motion
25 submitted on December 28, 2004 with a hearing scheduled for January 28, 2005 in case 04-2-
26 08824-4 requesting, amongst other things, that Mr. Carr be permitted to attend court hearings?
27 If so, how did these motions influence your decision?

28
29 12.Please describe any meetings prior to 2007 with other Clark County Superior Court Judges or

1 Commissioners in which case 04-2-008824-4 or case 04-2-008908-9 was discussed. Please
2 list all parties who were present and your recollection of what each party said.

3
4 13. Please list all records which you accessed through the Judicial Information System or other
5 computer system in reference to case 04-2-008824-4 or case 04-2-008908-9 at any time.
6 Please provide evidence that this is a complete and accurate list. If there are no records of
7 such accesses, please list all information in the Judicial Information System or other computer
8 system which might reasonably have been accessed relative to these to cases. Please attach
9 redacted copies of any of these records which are not already included in the case file along
10 with any evidence that the parties in the matter received prior notice and service of the
11 contents.

12
13 14. Please describe any training you may have had in domestic violence and / or sexual
14 discrimination prior to 2006. Please attach any records of this training.

15
16 15. As there does not seem to be any formal entries of the deciding authority in the Clark County
17 Superior Court records for [RCW 26.50](#) (domestic violence) decisions (see Mr. Carr's
18 Declaration of August 15, 2007), please list all such cases in which you made a decision in
19 2004 or 2005 with the following information:

- 20 • Case Number
- 21 • First Names of the Parties
- 22 • Classification of the parties as:
- FM Female Petitioner, Male Respondent
 - MF Male Petitioner, Female Respondent
 - X Other (excluded) if another combination or sexes can not be determined.
- 23
- 24 • Final result of the case classified as:
- G Full Order for Protection Granted
 - D Full Order for Protection Denied.

W Withdrawn prior to issuance of full Order of Protection due to either request of the parties or through non-appearance of the Petitioner.

X Other results such as dismissed due to existence of another

- 1 • Date Petition was submitted.
- 2 • Date of full Order for Protection (if any) or other final action in case.
- 3 • Date and type of decision you made.

Your prompt attention to these matters is appreciated. If the documents linked to from this Interrogatory are accurate representations of a requested document (redacted as requested), you are welcome to submit the linked document.

Dated August 19, 2007 at Vancouver, Clark County, WA.

s/ Brian P Carr

Signature of Plaintiff

Brian Carr

11301 NE 7th St., Apt J5

Vancouver, WA 98684

503-545-8357

Interrogatory For Defendant Rich Melnick

You are hereby requested to answer the following questions with a written sworn statement and to attach the requested documents to your declaration.

- 1 1. On October 27, 2004, did you conduct a hearing and sign a Clark County Superior Court
2 Order for Protection in case [04-2-08824-4](#). If so, please attach a copy of the Order. Please
3 redact any identifying information for my former wife, referred to as Karyn in this matter.
4
- 5 2. If you signed the above order, under what authority did you sign the Order? Did you notify
6 the parties of said authority, and, if so, how did you notify the parties? Please attach any
7 relevant Orders appointing you to a position which authorized you to sign the above order.
8 Please also include a copy of any oaths of office which you swore to in association with these
9 Orders.
10
- 11 3. At what date did you become aware of the wording of Washington Constitution Article IV,
12 Section 23, which, in particular, states that Superior Court Court Commissioners in any given
13 county can not exceed three in number (as listed in the COMPLAINT in this matter)? If it
14 was before 2004, it is acceptable to simply declare 'before 2004'.
15
- 16 4. On October 27, 2004, how many individuals were appointed as Superior Court
17 Commissioners (under authority of Washington Constitution Article IV, Section 23) in Clark
18 County according to your reasonable expectations? If more than three, what actions, if any,
19 did you take to insure compliance with the constitutional limit of three?
20
- 21 5. If you conducted the above hearing, did you permit the parties to submit evidence on their
22 behalf? Were the parties sworn under penalty of perjury? If so, please provide evidence of
23 this (the transcript of selected portions of the hearing is part of the record).
24
- 25 6. At what date did you become aware of the wording of RCW 26.50.070, RCW 26.50.030,

1 [RCW 26.50.010](#), and [RCW 9A.46.110](#)? If it was before 2004, it is acceptable to simply
2 declare 'before 2004'.

3

4 7. If you signed the above order, please cite any evidence which supported the [RCW 26.50.030](#)
5 (3), [RCW 26.50.010](#), and [RCW 9A.46.110](#) requirement of '*Physical harm, bodily injury,*
6 *assault, or the infliction of fear of imminent physical harm, bodily injury or assault,*' or
7 behavior that would cause a reasonable person to fear injury to person or property.

8

9 8. If you conducted the above hearing in case [04-2-08824-4](#), did you find the Plaintiff guilty of
10 the crime of trespass? If so, how does that crime relate to RCW 26.50 proceedings? What
11 evidence did you rely on in that determination and where was that finding recorded beyond the
12 audio / video of the hearing? Please attach any records where it was recorded (or copy of the
13 electronic record)?

14

15 9. If you conducted the hearing of October 27, 2007, did you at any time access the Judicial
16 Information System or other computer system during the hearing for any case heard that
17 afternoon? If so, please attach copies of all records reviewed (redacted to first names only).
18 Your attention is called to case 04-2-08822-8 in particular. What police or sherriffs' reports
19 did you access? How did you verify that the parties had prior notice and service of these
20 police or sherriffs' reports? Please provide evidence of these accesses and the prior notice and
21 service.

22

23 10. Please list all records which you accessed through the Judicial Information System or other
24 computer system in reference to case 04-2-008824-4 or case 04-2-008908-9 at any time.
25 Please provide evidence that this is a complete and accurate list. If there are no records of
26 such accesses, please list all information in the Judicial Information System or other computer
27 system which might reasonably have been accessed relative to these to cases. Please attach
28 redacted copies of any of these records which are not already included in the case file along
29 with any evidence that the parties in the matter received prior notice and service of the

1 contents.

2

3 11. In case Clark County Superior Court Case number [04-2-08908-9](#), did you deny a Petition for
4 an Order for Protection on November 12, 2004. If so, please attach a copy of the denial with
5 all identifying information redacted.

6

7 12. Please list the name, position held at the time, current position held (if known) and description
8 (approximate seniority, sex, age, hair color, race, weight, and height) of every clerk for the
9 Clark County District Court on November 12, 2004 as well as identifying any clerk who is
10 known to or likely to have processed the Petition in case 04-2-08908-9.

11

12 13. If you denied the Clark County Superior Court Petition for an Order for Protection in case [04-](#)
13 [2-08908-9](#), please describe any ex parte hearing which was conducted as required by [RCW](#)
14 [26.50.070](#) (3). If there was any such hearing, please attach any records of this ex parte
15 hearing.

16

17 14. Did you alter the record in case 04-2-008824-4 correcting the Order for Protection dated
18 October 27, 2004 to list Mr. Carr's birth month as November rather than the October? If not,
19 are you aware of who made that alteration? If so, please identify the individual who made the
20 alteration. If you did alter the Order, what was the justification for the alteration; what
21 evidence did you rely on for the change?

22

23 15. Please describe any meetings prior to 2007 with other Clark County Superior Court Judges or
24 Commissioners in which case 04-2-008824-4 or case 04-2-008908-9 was discussed. Please
25 list all parties who were present and your recollection of what each party said.

26

27 16. Please list all records which you accessed through the Judicial Information System or other
28 computer system in reference to case 04-2-008824-4 or case 04-2-008908-9 at any time.
29 Please provide evidence that this is a complete and accurate list. If there are no records of

1 such accesses, please list all information in the Judicial Information System or other computer
2 system which might reasonably have been accessed relative to these to cases. Please attach
3 redacted copies of any of these records which are not already included in the case file along
4 with any evidence that the parties in the matter received prior notice and service of the
5 contents.

6
7 17. Please describe any training you may have had in domestic violence and / or sexual
8 discrimination prior to 2006. Please attach any records of this training.

9
10 18. As there does not seem to be any formal entries of the deciding authority in the Clark County
11 Superior Court records for [RCW 26.50](#) (domestic violence) decisions (see Mr. Carr's
12 Declaration of August 15, 2007), please list all of these cases in 2004 or 2005 in which you
13 made a decision with the following information:

- 14 • Case Number
15 • First Names of the Parties
16 • Classification of the parties as:
- FM Female Petitioner, Male Respondent
 - MF Male Petitioner, Female Respondent
 - X Other (excluded) if another combination or sexes can not be determined.

- 17
18 • Final result of the case classified as:
- G Full Order for Protection Granted
 - D Full Order for Protection Denied.
 - W Withdrawn prior to issuance of full Order of Protection due to either request of the parties or through non-appearance of the Petitioner.
 - X Other results such as dismissed due to existence of another

- 19 • Date Petition was submitted.
20 • Date of full Order for Protection (if any) or other final action in case.
21 • Date and type of decision you made.

Your prompt attention to these matters is appreciated. If the documents linked to from this Interrogatory are accurate representations of a requested document (redacted as requested), you are welcome to submit the linked document.

Dated August 19, 2007 at Vancouver, Clark County, WA.

s/ Brian P Carr

Signature of Plaintiff

Brian Carr

11301 NE 7th St., Apt J5

Vancouver, WA 98684

503-545-8357

Interrogatory For Defendant John F. Nichols

You are hereby requested to answer the following questions with a written sworn statement and to attach the requested documents to your declaration.

- 1 1. On January 3, 2005, did you sign a Clark County Superior Court Order in case [04-2-008908-9](#).
2 If so, please attach a copy of the Order and associated papers. Please redact any identifying
3 information for my former wife, referred to as Karyn in this matter.
4
- 5 2. If you signed the above order, under what authority did you sign the Order? Please attach any
6 relevant Orders appointing you to a position which authorized you to sign the above order.
7 Please also include a copy of any oaths of office which you swore to in association with these
8 Orders.
9
- 10 3. At what date did you become aware of the wording of [Washington Constitution Article IV,](#)
11 [Section 23](#), which, in particular, states that Superior Court Court Commissioners in any given
12 county can not exceed three in number (as listed in the COMPLAINT in this matter)? If it
13 was before 2004, it is acceptable to simply declare 'before 2004'.
14
- 15 4. On November 12, 2004, how many individuals were appointed as Superior Court
16 Commissioners (under authority of Washington Constitution Article IV, Section 23) in Clark
17 County according to your reasonable expectations? If more than three, what actions, if any,
18 did you take to insure compliance with the constitutional limit of three?
19
- 20 5. At what date did you become aware of the wording of [RCW 26.50.070](#), [RCW 26.50.030](#),
21 [RCW 26.50.010](#), and [RCW 9A.46.110](#)? If it was before 2004, it is acceptable to simply
22 declare 'before 2004'.
23
- 24 6. In case Clark County Superior Court Case number [04-2-08908-9](#), did you deny a Petition for
25 an Order for Protection on November 12, 2004. If so, please attach a copy of the denial with

1 all identifying information redacted.

2
3 7. If you denied the Clark County Superior Court Petition for an Order for Protection in case [04-](#)
4 [2-08908-9](#), please describe any ex parte hearing which was conducted as required by [RCW](#)
5 [26.50.070](#) (3). If there was any such hearing, please attach any records of this ex parte
6 hearing.

7
8 8. Did you alter the record in case 04-2-008824-4 correcting the Order for Protection dated
9 October 27, 2004 to list Mr. Carr's birth month as November rather than the October? If not,
10 are you aware of who made that alteration? If so, please identify the individual who made the
11 alteration. If you did alter the Order, what was the justification for the alteration; what
12 evidence did you rely on for the change?

13
14 9. Please list the name, position held at the time, current position held (if known) and description
15 (approximate seniority, sex, age, hair color, race, weight, and height) of every clerk for the
16 Clark County Courts on November 12, 2004 as well as identifying any clerk who is known to
17 or likely to have processed the Petition in case 04-2-08908-9.

18
19 10. At what date did you become aware of the wording of the restriction of Family Court
20 Commissioners issuing only temporary restraining orders in [RCW 26.12.060](#) (3) and [RCW](#)
21 [2.24.040](#) (3) as interpreted in [Ordell v. Gaddis, 99 Wn.2d 409](#) and [STATE v. KARAS - 108](#)
22 [Wn. App. 692](#)? If it was before 2006, it is acceptable to simply declare 'before 2006'.

23
24 11. Upon learning of these restrictions, what actions, if any, did you take to insure that Clark
25 County Family Court Commissioners only issued temporary restraining orders?

26
27 12. Please describe any meetings prior to 2007 with other Clark County Superior Court Judges or
28 Commissioners in which case 04-2-008824-4 or case 04-2-008908-9 was discussed. Please
29 list all parties who were present and your recollection of what each party said.

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13. Please describe any meetings which occurred at any time between November 2003 to February 2007 with other Clark County Superior Court Judges at which the appointment of Commissioners (constitutional or Family Court) was discussed. Please list all parties who were present and your recollection of what each party said.

14. Please list all records which you accessed through the Judicial Information System or other computer system in reference to case 04-2-008824-4 or case 04-2-008908-9 at any time. Please provide evidence that this is a complete and accurate list. If there are no records of such accesses, please list all information in the Judicial Information System or other computer system which might reasonably have been accessed relative to these to cases. Please attach redacted copies of any of these records which are not already included in the case file along with any evidence that the parties in the matter received prior notice and service of the contents.

15. Please describe any training you may have had in domestic violence and / or sexual discrimination prior to 2006. Please attach any records of this training.

16. As there does not seem to be any formal entries of the deciding authority in the Clark County Superior Court records for [RCW 26.50](#) (domestic violence) decisions (see Mr. Carr's Declaration of August 15, 2007), please list all of these cases in 2004 or 2005 in which you made a decision with the following information:

- Case Number
- First Names of the Parties
- Classification of the parties as:
 - FM Female Petitioner, Male Respondent
 - MF Male Petitioner, Female Respondent
 - X Other (excluded) if another combination or sexes can not be determined.

- 1 • Final result of the case classified as:
- G Full Order for Protection Granted
 - D Full Order for Protection Denied.
 - W Withdrawn prior to issuance of full Order of Protection due to either request of the parties or through non-appearance of the Petitioner.
 - X Other results such as dismissed due to existence of another
- 2 • Date Petition was submitted.
- 3 • Date of full Order for Protection (if any) or other final action in case.
- 4 • Date and type of decision you made.
- 5 Please exclude any cases which were not initiated via a Petition, e.g. Petition was filed
- 6 ancillary to a Dissolution (divorce) proceeding.

Your prompt attention to these matters is appreciated. If the documents linked to from this Interrogatory are accurate representations of a requested document (redacted as requested), you are welcome to submit the linked document.

Dated August 19, 2007 at Vancouver, Clark County, WA.

s/ Brian P Carr
Signature of Plaintiff
Brian Carr
11301 NE 7th St., Apt J5
Vancouver, WA 98684
503-545-8357

7

Interrogatory For Defendant Barbara D. Johnson

You are hereby requested to answer the following questions with a written sworn statement and to attach the requested documents to your declaration.

- 1 1. On December 10, 2004, did you conduct a hearing and from the bench deny motions in cases
2 04-2-008824-4 and 04-2-008908-9. If so, please attach a copy of the Motions. Please redact
3 any identifying information for my former wife, referred to as Karyn in this matter. If you
4 denied the motions, what was your justification for denying the motions?
5
- 6 2. If you denied the above motions, under what authority did you deny the motions? Please
7 attach any relevant Orders appointing you to a position which authorized you to deny the
8 above motions. Please also include a copy of any oaths of office which you swore to in
9 association with these Orders.
10
- 11 3. At what date did you become aware of the wording of [Washington Constitution Article IV,](#)
12 [Section 23](#), which, in particular, states that Superior Court Court Commissioners in any given
13 county can not exceed three in number (as listed in the COMPLAINT in this matter)? If it
14 was before 2004, it is acceptable to simply declare 'before 2004'.
15
- 16 4. On December 10, 2004, how many individuals were appointed as Superior Court
17 Commissioners (under authority of Washington Constitution Article IV, Section 23) in Clark
18 County according to your reasonable expectations? If more than three, what actions, if any,
19 did you take to insure compliance with the constitutional limit of three?
20
- 21 5. In early 2005 did you sign any letters referencing case 04-2-008824-4 or case 04-2-008908-9?
22 Please attach a copy of any such letters along with any attachments. Please redact any
23 identifying information for my former wife, referred to as Karyn in this matter.
24
- 25 6. Prior to March 2005, did you at any time direct any clerk of Clark County Courts to not file

1 any papers submitted by Mr. Carr in case 04-2-008824-4 or case 04-2-008908-9 but rather to
2 direct these papers to your chambers where the files were being kept? If so, please describe
3 the dates and circumstances of all such occurrences and the justification for your directions.
4

5 7. On or about February 16, 2005 did you sign Orders in case 04-2-008824-4 or case [04-2-](#)
6 [008908-9](#)? If so, please attach copies of these Orders and any motion papers to which these
7 Orders referred. This includes motions which were denied because they purportedly did not
8 comply with '[Civil Rule \(CR\) 7](#), which requires an application for order to state with
9 particularity the grounds for the motion, and to set forth the relief or order sought'. If any
10 motions were denied for failure to comply with [Civil Rule \(CR\) 7](#), please state in particular
11 each element which was lacking for each motion.
12

13 8. Please list the name, position held at the time, current position held (if known) and description
14 (approximate seniority, sex, age, hair color, race, weight, and height) of every clerk for the
15 Clark County Courts on December 10, 2004 as well as identifying any clerk who is known to
16 or likely to have processed the Petition in case 04-2-08908-9.
17

18 9. Did you alter the record in case 04-2-008824-4 correcting the Order for Protection dated
19 October 27, 2004 to list Mr. Carr's birth month as November rather than the October? If not,
20 please identify the individual who made the alteration if known. If you did alter the Order,
21 what was the justification for the alteration; what evidence did you rely on for the change?
22

23 10. Please list all records which you accessed through the Judicial Information System or other
24 computer system in reference to case 04-2-008824-4 or case 04-2-008908-9 at any time.
25 Please provide evidence that this is a complete and accurate list. If there are no records of
26 such accesses, please list all information in the Judicial Information System or other computer
27 system which might reasonably have been accessed relative to these to cases. Please attach
28 redacted copies of any of these records which are not already included in the case file along
29 with any evidence that the parties in the matter received prior notice and service of the

1 contents.

2

3 11. Please describe any meetings which occurred at any time between November 2003 to
4 February 2007 with other Clark County Superior Court Judges at which the appointment of
5 Commissioners (constitutional or Family Court) was discussed. Please list all parties who
6 were present and your recollection of what each party said.

7

8 12. At what date did you become aware of the wording of the restriction of Family Court
9 Commissioners issuing only temporary restraining orders in [RCW 26.12.060](#) (3) and [RCW](#)
10 [2.24.040](#) (3) as interpreted in [Ordell v. Gaddis, 99 Wn.2d 409](#) and [STATE v. KARAS - 108](#)
11 [Wn. App. 692](#)? If it was before 2006, it is acceptable to simply declare 'before 2006'.

12

13 13. Upon learning of these restrictions, what actions, if any, did you take to insure that Clark
14 County Family Court Commissioners only issued temporary restraining orders?

15

16 14. Please describe any training you may have had in domestic violence and / or sexual
17 discrimination prior to 2006. Please attach any records of this training.

18

19 15. As there does not seem to be any formal entries of the deciding authority in the Clark County
20 Superior Court records for [RCW 26.50](#) (domestic violence) decisions (see Mr. Carr's
21 Declaration of August 15, 2007), please list all of these cases in 2004 or 2005 in which you
22 made a decision with the following information:

23

- Case Number

24

- First Names of the Parties

25

- Classification of the parties as:

FM Female Petitioner, Male Respondent

MF Male Petitioner, Female Respondent

X Other (excluded) if another combination or sexes can not be determined.

26

- 1 • Final result of the case classified as:
- G Full Order for Protection Granted
 - D Full Order for Protection Denied.
 - W Withdrawn prior to issuance of full Order of Protection due to either request of the parties or through non-appearance of the Petitioner.
 - X Other results such as dismissed due to existence of another
- 2 • Date Petition was submitted.
- 3 • Date of full Order for Protection (if any) or other final action in case.
- 4 • Date and type of decision you made.
- 5 Please exclude any cases which were not initiated via a Petition, e.g. Petition was filed
- 6 ancillary to a Dissolution (divorce) proceeding.

Your prompt attention to these matters is appreciated. If the documents linked to from this Interrogatory are accurate representations of a requested document (redacted as requested), you are welcome to submit the linked document.

Dated August 19, 2007 at Vancouver, Clark County, WA.

s/ Brian P Carr
Signature of Plaintiff
Brian Carr
11301 NE 7th St., Apt J5
Vancouver, WA 98684
503-545-8357

Interrogatory For Defendant John Hagensen

You are hereby requested to answer the following questions with a written sworn statement and to attach the requested documents to your declaration.

1

2 1. On January 3, 2007, did you conduct a hearing and sign a Clark County Superior Court
3 Reissuance of a Temporary Order for Protection in case [06-2-08385-1](#)? If so, how many days
4 was the order valid for? Please attach a copy of any such Orders and redact any identifying
5 information for the parties.

6

7 2. At what date did you become aware of the wording of [RCW 26.50.070](#), [RCW 26.50.085](#),
8 [RCW 26.50.123](#), [RCW 26.50.030](#), [RCW 26.50.010](#), and [RCW 9A.46.110](#)? If it was before
9 2006, it is acceptable to simply declare 'before 2006'.

10

11 3. If you signed the above order and the duration of the order was greater than 14 days, what
12 information in the record supported the requirements of [RCW 26.50.070](#) (4), [RCW 26.50.085](#)
13 and [RCW 26.50.123](#)? Please attach copies of the supporting documentation.

14

15 4. In case Clark County Superior Court Case number 07-2-07028-5, on January 17, 2007, did
16 you sign a Temporary Order for Protection? If so, please attach a copy of the Order with the
17 identifying information for the parties redacted.

18

19 5. If you signed the Order above, please describe any ex parte hearing which was conducted as
20 required by [RCW 26.50.070](#) (3). If there was any such hearing, please attach any records of
21 this ex parte hearing.

22

23 6. On January 17, 2007 in case 07-2-07009-9 did you sign an Order for Protection? If so, was
24 the Order valid for a full year? If so, was there a determination as to whether this involved a
25 shared residence? Please attach a copy of any such Orders as well as the supporting Petition
26 and redact any identifying information for the parties.

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7. If you signed the above order, under what authority did you sign the Order? Did you notify the parties of said authority, and, if so, how did you notify the parties? Please attach any relevant Orders appointing you to a position which authorized you to sign the above order. Please also include a copy of any oaths of office which you swore to in association with these Orders.

8. At what date did you become aware of the wording of the restriction of Family Court Commissioners issuing only temporary restraining orders in RCW 26.12.060 (3) and RCW 2.24.040 (3) as interpreted in Ordell v. Gaddis, 99 Wn.2d 409 and STATE v. KARAS - 108 Wn. App. 692? If it was before 2006, it is acceptable to simply declare 'before 2006'.

9. Upon learning of these restrictions, what actions, if any, did you take to insure that Clark County Family Court Commissioners only issued temporary restraining orders?

10. Please describe any training you may have had in domestic violence and / or sexual discrimination prior to 2007. Please attach any records of this training.

11. As there does not seem to be any formal entries of the deciding authority in the Clark County Superior Court records for RCW 26.50 (domestic violence) decisions (see Mr. Carr's Declaration of August 15, 2007), please list all of these cases in 2006 in which you made a decision with the following information:

- Case Number
- First Names of the Parties
- Classification of the parties as:
 - FM Female Petitioner, Male Respondent
 - MF Male Petitioner, Female Respondent
 - X Other (excluded) if another combination or sexes can not be determined.

- 1 • Final result of the case classified as:
 - G Full Order for Protection Granted
 - D Full Order for Protection Denied.
 - W Withdrawn prior to issuance of full Order of Protection due to either request of the parties or through non-appearance of the Petitioner.
 - X Other results such as dismissed due to existence of another
- 2 • Date Petition was submitted.
- 3 • Date of full Order for Protection (if any) or other final action in case.
- 4 • Date and type of decision you made.

Your prompt attention to these matters is appreciated. If the documents linked to from this Interrogatory are accurate representations of a requested document (redacted as requested), you are welcome to submit the linked document.

Dated August 19, 2007 at Vancouver, Clark County, WA.

s/ Brian P Carr
Signature of Plaintiff
Brian Carr
11301 NE 7th St., Apt J5
Vancouver, WA 98684
503-545-8357

Interrogatory For Defendant Kelli E Osler

You are hereby requested to answer the following questions with a written sworn statement and to attach the requested documents to your declaration.

- 1 1. Did you sign a Clark County Superior Court Temporary Order for Protection in case 06-2-
2 08362-1? If so, please attach a copy of the Order and the accompanying petition with the
3 identifying information for the parties redacted
4
- 5 2. At what date did you become aware of the wording of [RCW 26.50.070](#), [RCW 26.50.030](#),
6 [RCW 26.50.010](#), and [RCW 9A.46.110](#)? If it was before 2006, it is acceptable to simply
7 declare 'before 2006'.
8
- 9 3. If you signed the Order above, please describe any ex parte hearing which was conducted as
10 required by [RCW 26.50.070](#) (3). If there was any such hearing, please attach any records of
11 this ex parte hearing.
12
- 13 4. Did you sign an Order for Protection in case 06-2-08362-1? If so, was the Order valid for a
14 full year? If so, was there a determination as to whether this involved a shared residence?
15 Please attach a copy of any such Order and redact any identifying information for the parties.
16
- 17 5. If you signed the above order, under what authority did you sign the Order? Did you notify
18 the parties of said authority, and, if so, how did you notify the parties? Please attach any
19 relevant [Orders](#) appointing you to a position which authorized you to sign the above order.
20 Please also include a copy of any oaths of office which you swore to in association with these
21 Orders.
22
- 23 6. At what date did you become aware of the wording of the restriction of Family Court
24 Commissioners issuing only temporary restraining orders in [RCW 26.12.060](#) (3) and [RCW](#)
25 [2.24.040](#) (3) as interpreted in [Ordell v. Gaddis, 99 Wn.2d 409](#) and [STATE v. KARAS - 108](#)

1 [Wn. App. 692](#)? If it was before 2006, it is acceptable to simply declare 'before 2006'.

2
3 7. Upon learning of these restrictions, what actions, if any, did you take to insure that Clark
4 County Family Court Commissioners only issued temporary restraining orders?

5
6 8. Please describe any training you may have had in domestic violence and / or sexual
7 discrimination prior to 2006. Please attach any records of this training.

8
9 9. As there does not seem to be any formal entries of the deciding authority in the Clark County
10 Superior Court records for [RCW 26.50](#) (domestic violence) decisions (see Mr. Carr's
11 Declaration of August 15, 2007), please list all of these cases in 2006 in which you made a
12 decision with the following information:

- 13 • Case Number
- 14 • First Names of the Parties
- 15 • Classification of the parties as:
- FM Female Petitioner, Male Respondent
 - MF Male Petitioner, Female Respondent
 - X Other (excluded) if another combination or sexes can not be determined.
- 16
- 17 • Final result of the case classified as:
- G Full Order for Protection Granted
 - D Full Order for Protection Denied.
 - W Withdrawn prior to issuance of full Order of Protection due to either request of the parties or through non-appearance of the Petitioner.
 - X Other results such as dismissed due to existence of another
- 18 • Date Petition was submitted.
- 19 • Date of full Order for Protection (if any) or other final action in case.
- 20 • Date and type of decision you made.

Your prompt attention to these matters is appreciated. If the documents linked to from this Interrogatory are accurate representations of a requested document (redacted as requested), you are welcome to submit the linked document.

Dated August 19, 2007 at Vancouver, Clark County, WA.

s/ Brian P Carr

Signature of Plaintiff

Brian Carr

11301 NE 7th St., Apt J5

Vancouver, WA 98684

503-545-8357

Interrogatory For Defendant Robert L. Harris

You are hereby requested to answer the following questions with a written sworn statement and to attach the requested documents to your declaration.

- 1 1. Please attach a copy of any Orders which you signed which appointed Clark County Superior
2 Court Court Commissioners under [Washington Constitution Article IV, Section 23](#) which
3 were effective for any time during 2004, 2005, or 2006.
4
- 5 2. If you signed any orders above, under what authority did you sign the Order? Please attach
6 any relevant [Orders](#) appointing you to a position which authorized you to sign the above order.
7 Please also include a copy of any oaths of office which you swore to in association with these
8 Orders.
9
- 10 3. Please describe any meetings which occurred at any time between November 2003 to
11 February 2007 with other Clark County Superior Court Judges at which the appointment of
12 Commissioners (constitutional or Family Court) was discussed. Please list all parties who
13 were present and your recollection of what each party said.
14
- 15 4. At what date did you become aware of the wording of [Washington Constitution Article IV,](#)
16 [Section 23](#), which, in particular, states that Superior Court Court Commissioners in any given
17 county can not exceed three in number (as listed in the COMPLAINT in this matter)? If it
18 was before 2004, it is acceptable to simply declare 'before 2004'.
19
- 20 5. If more than three individuals were appointed as Clark County Superior Court Court
21 Commissioners under [Washington Constitution Article IV, Section 23](#) at any given time
22 during 2004, 2005, or 2006, what actions, if any, did you take to insure compliance with the
23 constitutional limit of three?
24
- 25 6. Please attach a copy of each Order you signed which appointed an individual as a Clark

1 County Superior Court Family Court Commissioner which was effective at any time during
2 2004, 2005, 2006, or 2007 (prior to March 2007) and which you had reasonable expectations
3 that they could hear for [RCW 26.50](#) (domestic violence) matters.
4

5 7. At what date did you become aware of the wording of the restriction of Family Court
6 Commissioners issuing only temporary restraining orders in [RCW 26.12.060](#) (3) and [RCW](#)
7 [2.24.040](#) (3) as interpreted in [Ordell v. Gaddis, 99 Wn.2d 409](#) and [STATE v. KARAS - 108](#)
8 [Wn. App. 692](#)? If it was before 2006, it is acceptable to simply declare 'before 2006'.
9

10 8. Upon learning of these restrictions, what actions, if any, did you take to insure that Clark
11 County Family Court Commissioners only issued temporary restraining orders?
12

13 9. Please describe any meetings which occurred at any time between November 2003 to
14 February 2007 with other Clark County Superior Court Judges at which the appointment of
15 Commissioners (constitutional or Family Court) was discussed. Please list all parties who
16 were present and your recollection of what each party said.
17

18 10.If you signed the above orders, how did you ascertain the approval or disapproval of these
19 appointments with the others judges of the Clark County Superior Court? Please attach a
20 copy of any documents which demonstrate this.
21

22 11.Please identify the individual who is responsible for the personnel records for the different
23 clerks of the Clark County Courts (District and Superior).

Your prompt attention to these matters is appreciated. If the documents linked to from this Interrogatory are accurate representations of a requested document (redacted as requested), you are welcome to submit the linked document.

Dated August 19, 2007 at Vancouver, Clark County, WA.

s/ Brian P Carr

Signature of Plaintiff

Brian Carr

11301 NE 7th St., Apt J5

Vancouver, WA 98684

503-545-8357