

**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, 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

Affidavit of Waiver of Service

I, Brian P. Carr, am the Plaintiff in this matter, have knowledge of the facts of this matter, and make the following statements under oath and penalty of perjury.

- 1 1. On May 24, 2007, a true and accurate copy of the Complaint in this matter as submitted
- 2 electronically to the Court but modified to include the case number (hand written addition)
- 3 and my signature was included with an individually addressed Request for Waiver of Service
- 4 which was mailed individually to each of the Defendants listed in the Complaint in separate
- 5 envelopes addressed to the addresses listed in the Complaint with first class postage attached

1 which I placed in a U.S.P.S. mail box located at SW 5<sup>th</sup> Ave and Stark in Portland, OR.

2  
3 2. On May 31, 2007, I received the signed Waivers of Service from the Honorable Harris and  
4 Fairhurst in two different stamped self addressed envelope (each of which I had provided with  
5 the Request for Waiver of Service). Scanned copies of these Waivers of Service are attached  
6 as Exhibit A.

7  
8 3. On June 12, 2007, I received the signed Waivers of Service from the Honorable Eiesland,  
9 Hagensen, Harris, B. Johnson, Melnick, Nichols, and Osler in an envelope from the office of  
10 Defendants' Attorney in this matter, Mr. Bernard Veljacic. Scanned copies of the letter from  
11 Mr. Veljacic as well as the signed Waivers of Service are attached as Exhibit B.

12  
13 4. It is my understanding that those Defendants who have returned a Waiver of Service to me by  
14 June 23, 2007 are not required to submit an Answer or Motion in this matter until July 23,  
15 2007. Further, if the remaining Defendants have not submitted a Waiver of Service to me by  
16 June 23, 2007, on June 24, 2007 I can initiate normal service via Summons and apply to court  
17 for reimbursement by the remaining Defendants of the cost of said service.

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

20 Respectfully submitted, June 13, 2007 (Vancouver, WA).

21  
S/

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

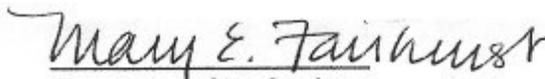
### WAIVER OF SERVICE OF SUMMONS

TO: Brian P. Carr

I, Mary E. Fairhurst, acknowledge receipt of your request that I waive service of summons in the action of Carr vs. McKenna which is case C07-5260RJB in the Western Washington United States District Court. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me. I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4. I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons. I understand that a judgment may be entered against me if an answer or motion under Rule 12 is not served upon you within 60 days after May 24, 2007.

5.29.07

Date



Signature of Defendant

Mary E. Fairhurst

### Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver. It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

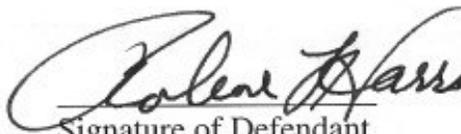
A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

### WAIVER OF SERVICE OF SUMMONS

TO: Brian P. Carr

I, Robert L. Harris, acknowledge receipt of your request that I waive service of summons in the action of Carr vs. McKenna which is case C07-5260RJB in the Western Washington United States District Court. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me. I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4. I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons. I understand that a judgment may be entered against me if an answer or motion under Rule 12 is not served upon you within 60 days after May 24, 2007.

29 May 2007  
Date

  
Signature of Defendant  
Robert L. Harris

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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.



ARTHUR D. CURTIS  
PROSECUTING ATTORNEY

CURT WYRICK  
CHIEF DEPUTY

JAMES R. MILLER  
CHIEF CRIMINAL DEPUTY

RICHARD S. LOWRY  
CHIEF CIVIL DEPUTY

SHARI JENSEN  
ADMINISTRATOR

June 11, 2007

Brian P. Carr  
11301 NE 7<sup>th</sup> Street  
Apt. J5  
Vancouver WA 98684

Re: Carr v. Reed, et al.  
U.S. District Court Case No. C07-5260

Dear Mr. Carr:

Enclosed please find the original Waiver of Service of Summons forms for Robert Harris, John Nichols, Barbara Johnson, Kenneth Eiesland, Rich Melnick, John Hagensen, and Kelli Osler.

Sincerely,

Mindy Lamberton  
Legal Assistant

Encs.

**CIVIL DIVISION**

1013 FRANKLIN STREET  
(360) 397-2478 OFFICE

PO BOX 5000

VANCOUVER, WASHINGTON 98666-5000  
(360) 397-2184 FAX

**Affidavit of Service, Exhibit B: 3:07-cv-05260 RJB Carr v. Reed et al**

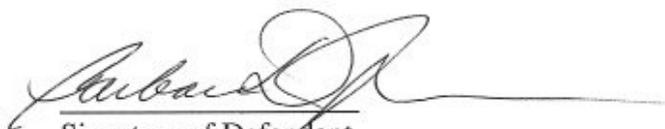
### WAIVER OF SERVICE OF SUMMONS

TO: Brian P. Carr

I, Barbara D. Johnson, acknowledge receipt of your request that I waive service of summons in the action of Carr vs. McKenna which is case C07-5260RJB in the Western Washington United States District Court. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me. I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4. I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons. I understand that a judgment may be entered against me if an answer or motion under Rule 12 is not served upon you within 60 days after May 24, 2007.

6/4/07

Date



Signature of Defendant  
Barbara D. Johnson

### Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver. It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

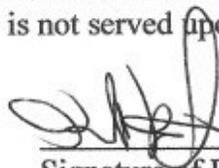
A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

### WAIVER OF SERVICE OF SUMMONS

TO: Brian P. Carr

I, Kenneth Eiesland, acknowledge receipt of your request that I waive service of summons in the action of Carr vs. McKenna which is case C07-5260RJB in the Western Washington United States District Court. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me. I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4. I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons. I understand that a judgment may be entered against me if an answer or motion under Rule 12 is not served upon you within 60 days after May 24, 2007.

6-1-2007  
Date

  
\_\_\_\_\_  
Signature of Defendant  
Kenneth Eiesland

### Duty to Avoid Unnecessary Costs of Service of Summons

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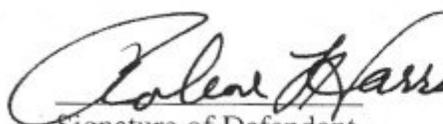
A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

### WAIVER OF SERVICE OF SUMMONS

TO: Brian P. Carr

I, Robert L. Harris, acknowledge receipt of your request that I waive service of summons in the action of Carr vs. McKenna which is case C07-5260RJB in the Western Washington United States District Court. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me. I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4. I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons. I understand that a judgment may be entered against me if an answer or motion under Rule 12 is not served upon you within 60 days after May 24, 2007.

29 May 2007  
Date

  
Signature of Defendant  
Robert L. Harris

#### Duty to Avoid Unnecessary Costs of Service of Summons

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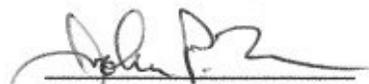
A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

### WAIVER OF SERVICE OF SUMMONS

TO: Brian P. Carr

I, John Hagensen, acknowledge receipt of your request that I waive service of summons in the action of Carr vs. McKenna which is case C07-5260RJB in the Western Washington United States District Court. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me. I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4. I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons. I understand that a judgment may be entered against me if an answer or motion under Rule 12 is not served upon you within 60 days after May 24, 2007.

6/4/2007  
Date

  
Signature of Defendant  
John Hagensen

### Duty to Avoid Unnecessary Costs of Service of Summons

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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

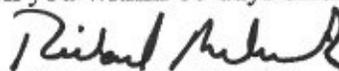
**WAIVER OF SERVICE OF SUMMONS**

TO: Brian P. Carr

I, Rich Melnick, acknowledge receipt of your request that I waive service of summons in the action of Carr vs. McKenna which is case C07-5260RJB in the Western Washington United States District Court. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me. I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4. I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons. I understand that a judgment may be entered against me if an answer or motion under Rule 12 is not served upon you within 60 days after May 24, 2007.

5/29/07

Date



Signature of Defendant  
Rich Melnick

**Duty to Avoid Unnecessary Costs of Service of Summons**

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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

### WAIVER OF SERVICE OF SUMMONS

TO: Brian P. Carr

I, John F. Nichols, acknowledge receipt of your request that I waive service of summons in the action of Carr vs. McKenna which is case C07-5260RJB in the Western Washington United States District Court. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me. I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4. I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons. I understand that a judgment may be entered against me if an answer or motion under Rule 12 is not served upon you within 60 days after May 24, 2007.

June 1, 2007  
Date

  
Signature of Defendant  
John F. Nichols

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**WAIVER OF SERVICE OF SUMMONS**

TO: Brian P. Carr

I, Kelli E. Osler, acknowledge receipt of your request that I waive service of summons in the action of Carr vs. McKenna which is case C07-5260RJB in the Western Washington United States District Court. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me. I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4. I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons. I understand that a judgment may be entered against me if an answer or motion under Rule 12 is not served upon you within 60 days after May 24, 2007.

6/1/07

Date

Kelli Osler

Signature of Defendant

Kelli E. Osler

**Duty to Avoid Unnecessary Costs of Service of Summons**

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