

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

1 2. On June 21, 2007, I received the signed Waivers of Service from Sam Reed, Rob McKenna,  
2 the Honorable Bridgewater, Hunt, Alexander, J. Johnson, Madsen, and Owens in an envelope  
3 from the office of Defendants' Attorney in this matter, Mr. William G. Clark. Scanned copies  
4 of the letter from Mr. Clark as well as the signed Waivers of Service are attached as Exhibit  
5 A.

7 3. Also on June 21, 2007, I received an email from Mr. William G. Clark with an attachment of  
8 the Waiver of Service for the Honorable Penoyar. A copy of the email and Waiver of Service  
9 are Attached as Exhibit B.

11 4. As all Defendants have returned a Waiver of Service to me, they are not required to submit an  
12 Answer or Motion in this matter until July 23, 2007.

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

15 Respectfully submitted, June 30, 2007 (Vancouver, WA).

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



Rob McKenna  
**ATTORNEY GENERAL OF WASHINGTON**  
800 Fifth Avenue #2000 • Seattle WA 98104-3188

June 19, 2007

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

RE: ***Brian P. Carr v. Sam Reed, et al.***  
**United States District Court-Tacoma No. C07-5260 RJB**

Dear Mr. Carr:

Enclosed please find the Waiver of Service of Summons signed by the following defendants:

Sam Reed, Secretary of State  
Rob McKenna, Attorney General  
Judge C.C. Bridgewater  
Judge J. Robin Hunt  
Justice Gerry L. Alexander  
Justice Barbara Madsen  
Justice Susan Owens  
Justice James M. Johnson

As noted in my email to you today, Judge Joel Penoyar's waiver will be mailed under separate cover.

Sincerely,

A handwritten signature in black ink that reads "William G. Clark".

WILLIAM G. CLARK  
Assistant Attorney General  
(206) 389-2794

WGC:ar  
Enclosures

### WAIVER OF SERVICE OF SUMMONS

TO: Brian P. Carr

I, Sam Reed, 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.

6/15/2007  
Date

Sam Reed by William G. Clark  
Signature of Defendant WBA 9234  
Sam Reed per authorization of  
Mr. Reed

#### 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, Rob McKenna, 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.

6/15/2007  
Date

Rob McKenna by William J. Lake  
Signature of Defendant WSBA 923A  
Rob McKenna per authorization of Mr. McKenna

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

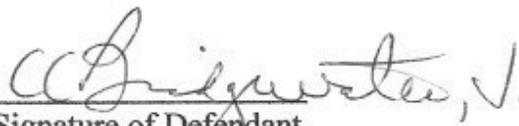
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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer 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, (J.) C. C. Bridgewater, 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.

6/05/07  
Date


Signature of Defendant  
(J.) C. C. Bridgewater

**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.

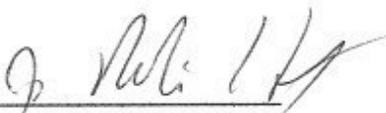
**WAIVER OF SERVICE OF SUMMONS**

TO: Brian P. Carr

I, J. Robin Hunt, 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.

6/5/07

Date

  
\_\_\_\_\_  
Signature of Defendant  
J. Robin Hunt

**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, Gerry L. Alexander, 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  
Gerry L. Alexander

**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.

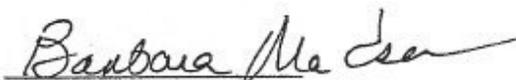
**WAIVER OF SERVICE OF SUMMONS**

TO: Brian P. Carr

I, Barbara Madsen, 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.

6-7-07

Date



Signature of Defendant

Barbara Madsen

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

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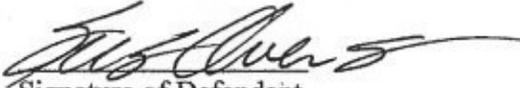
A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default 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, Susan Owens, 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.

6/12/07  
Date

  
Signature of Defendant  
Susan Owens

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

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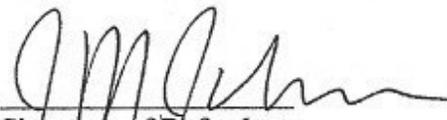
A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default 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, James M. 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.

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Defendant  
James M. Johnson

#### **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.

**Subject:** CARR V. REED ET AL

**From:** "Clark, Bill (ATG)" <BillC2@ATG.WA.GOV>

**Date:** Thu, 21 Jun 2007 13:39:26 -0700

**To:** <brian@brian.carr.name>

Brian:

Enclosed is a PDF of the waiver form from Judge Penoyar. We will forward an original upon receipt. I am sending this PDF so you know that there is no reason to proceed with formal service. Contact me with any questions.

<b>AR-M700N_20070621_120537.pdf</b>	<b>Content-Description:</b> AR-M700N_20070621_120537.pdf <b>Content-Type:</b> application/octet-stream <b>Content-Encoding:</b> base64
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**WAIVER OF SERVICE OF SUMMONS**

TO: Brian P. Carr

I, Joel Penoyar, 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.

Date

5/21/07

Signature of Defendant  
Joel Penoyar

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