

FILED

2008 JUN -3 AM 10:05

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MARC S. STERN,

Plaintiff,

vs.

DOUGLAS H. CLARK, and the marital
community of Douglas H. Clark and Carrie M.
Clark,

Defendant.

08-2-18857-4SEA
NO.

SUMMONS (20 DAYS)

STEVEN GONZALEZ

THE STATE OF WASHINGTON, TO: DOUGLAS H. CLARK, and the marital community
of Douglas H. Clark and Carrie M. Clark, Defendant

TO THE DEFENDANT: A lawsuit has been started against you in the above-entitled
court by plaintiff. Plaintiff's claims are stated in the written complaint, a copy of which is served
upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your
defense in writing, and by serving a copy upon the person signing this summons within 20
days after the service of this summons, excluding the day of service, or a default judgment
may be entered against you without notice. A default judgment is one where plaintiff is entitled
to what has been asked for because you have not responded. If you serve a notice of
appearance on the undersigned person, you are entitled to notice before a default judgment
may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the
demand must be in writing and you must be served upon the person signing this summons.
Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or
the service on you of this summons and complaint will be void.

SUMMONS (20 DAYS) - 1
F:\m\plead\07\07-219,2
Rev. June 2, 2008

MOSCHETTO & KOPLIN, INC., P.S.
Attorneys at Law
1800 112th Avenue N.E., Suite 300E
Bellevue, WA 98004-2954
Telephone: 425-641-6000
Fax: 425-641-1745

ORIGINAL

1 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
2 that your written response, if any, may be served on time.

3 THIS SUMMONS is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
4 State of Washington.

5 DATED this 2nd day of June, 2008.

6 MOSCHETTO & KOPLIN, INC., P.S.

7 By _____

8 Joseph L. Koplin
9 WSBA No. 7683
10 Attorneys for Plaintiff

FILED

2000 JUN -3 AM 10:05

KING COUNTY
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SEATTLE, WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MARC S. STERN,

Plaintiff,

vs.

DOUGLAS H. CLARK, and the marital
community of Douglas H. Clark and Carrie M.
Clark,

Defendant.

08-2-18857-4SEA
NO.

COMPLAINT FOR DAMAGES

COMES NOW MARC S. STERN, the above-named plaintiff, by and through his attorneys of record, Moschetto & Koplin, Inc., P.S., and by way of complaint for damages against defendants, alleges as follows:

1. Jurisdiction. The above-entitled court has jurisdiction over the subject matter of this lawsuit.

2. Venue. The above-entitled court is the proper venue for this action pursuant to RCW 4.12.020(3).

3. Identification of Plaintiff. Plaintiff was and is at all times hereinafter mentioned a resident of King County, Washington.

COMPLAINT FOR DAMAGES - 1
F:\tm\plead\07\07-219,1 complaint
Rev. June 2, 2008

MOSCHETTO & KOPLIN, INC., P.S.
Attorneys at Law
1800 112th Avenue N.E., Suite 300E
Bellevue, WA 98004-2954
Telephone: 425-641-6000
Fax: 425-641-1745

ORIGINAL

1 4. Identification of Defendant. Upon information and belief, plaintiff alleges that
2 defendant Douglas Clark is a resident of Seattle, King County, Washington. If married,
3 Douglas Clark and Carrie M. Clark constitute a marital community under the laws of the
4 State of Washington. All acts alleged by Douglas Clark herein were done so on his own
5 behalf and on behalf of his marital community.

6 5. Occurrence. Plaintiff was injured on December 15, 2007 at 2306 NE 140th
7 Street, Seattle, Washington.

8 6. Nature of Occurrence. On the date above mentioned, plaintiff was present at
9 the residence located at 2306 NE 140th Street, Seattle, Washington, in his capacity as
10 personal representative of the Estate of Bruce Selikoff. The residence was listed for sale
11 as an asset of the Selikoff estate. Defendant Clark was present at the Residence assisting
12 the Nacu Tank Trust (a trust controlled by defendant's father in law) with a property
13 inspection. The Trust was then a potential purchaser of the Residence. Defendant told
14 plaintiff that as part of the inspection he was going to access the crawl space to inspect
15 under the Residence. Clark did not tell Stern that the access to the crawl space was
16 located in the garage of the residence, nor did Clark tell Stern that he was going to remove
17 ~~and leave uncovered the crawl space access cover located in the garage.~~ Stern walked
18 through the kitchen and stepped through the doorway into the garage intending to review
19 some paperwork in the garage. As he stepped into the garage, he stepped into the open
20 and unbarricaded crawl space, sustaining a complex fracture of his left arm. At the time of
21 the injury, defendant was presumably inspecting the underside of the Residence.

22 7. Negligence of Defendant. The injuries and damages as hereinafter alleged
23 were the direct and proximate result of the negligence and misconduct on the part of the
24 defendant, including but not necessarily limited to defendant's failure to notify plaintiff that
25

1 the crawl space access was located in the garage of the Residence, in failing to warn
2 plaintiff that he intended to access the crawl space via the garage access, and in failing to
3 barricade the crawl space opening or otherwise give notice to plaintiff that the open crawl
4 space constituted a potential hazard.

5 8. Proximate Cause and Injuries. As a direct and proximate result of the
6 occurrence, the plaintiff sustained injuries, the exact extent of which are unknown, but
7 which include injuries to the body and other injuries, which may develop into permanent and
8 disabling conditions.

9 9. Nature of Injuries. As a further direct and proximate result of the occurrence,
10 plaintiff has suffered and will continue to suffer physical and mental pain and anguish,
11 fatigue and suffering, temporary total disability and long term partial disability, and is subject
12 to increased vulnerability to reinjury and future degenerative conditions, all to the plaintiff's
13 damage in an amount now unknown, but which will be proven at the time of trial.

14 10. Health Care Expenses. As a direct and proximate result of the occurrence,
15 plaintiff incurred and will incur reasonable and necessary expenses for physicians and other
16 health care providers.

17 11. Loss of Earnings. As a direct and proximate result of the occurrence,
18 plaintiff was absent from his law practice, and upon his return, his efficiency was reduced,
19 and he had to decline cases that he would otherwise have accepted, causing a loss of
20 income. The amount of income will be proven at time of trial; however, for purposes of this
21 complaint is reasonably estimated to be the sum of \$25,000.00.

22 12. General Damages. As a direct and proximate result of the occurrence,
23 plaintiff has incurred and will incur general damages in amounts to be determined at trial.
24
25

1 WHEREFORE, plaintiff prays for relief as follows:

2 1. For judgment against defendant for damages sustained by plaintiff in an
3 amount to be determined at trial;

4 2. For plaintiff's attorneys fees, costs and disbursements herein;

5 3. For pre-judgment interest at the highest statutory rate per annum from date of
6 entry;

7 4. For interest on all judgment amounts at the highest statutory rate per annum
8 from the date of entry;

9 5. For permission to amend plaintiff's complaint at the time of trial to conform to
10 the proof of facts; and

11 6. For such other and further relief as the court may deem just and equitable.

12 DATED this 2nd day of June, 2008.

13 MOSCHETTO & KOPLIN, INC., P.S.

14 By

15 Joseph L. Koplin
16 WSBA No. 7683
17 Attorneys for Plaintiff

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2008 JUN -3 AM 10: 04

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

Marc S. Stern

vs

Douglas H. Clark, et al

Plaintiff(s)

Defendant(s)

NO. 08-2-18857-4 SEA

Order Setting Civil Case Schedule (*ORSCS)

ASSIGNED JUDGE Gonzalez 5

FILE DATE: 06/03/2008

TRIAL DATE: 11/16/2009

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

I. NOTICES

NOTICE TO PLAINTIFF: The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the **Schedule** on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, ~~whether that response is a Notice of Appearance, a response, or a Civil Rule 12 (CR 12) motion.~~ The **Schedule** may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

"I understand that I am required to give a copy of these documents to all parties in this case."

Print Name

Sign Name

I. NOTICES (continued)

NOTICE TO ALL PARTIES:

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLR] – especially those referred to in this *Schedule*. In order to comply with the *Schedule*, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLR 26], and for meeting the discovery cutoff date [See KCLR 37(g)].

CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:

A filing fee of \$200 must be paid when any answer that includes additional claims is filed in an existing case.

SHOW CAUSE HEARINGS FOR CIVIL CASES [King County Local Rule 4(g)]

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. A review of the case will be undertaken to confirm service of the original complaint. A *Show Cause Hearing* will be set before the Chief Civil or RJC judge if needed. The Order to Show Cause will be mailed to the plaintiff(s) or counsel to attend.

PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this *Schedule* are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

If you miss your scheduled Trial Date, the Superior Court Clerk is authorized by KCLR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

All parties to this action must keep the court informed of their addresses. When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:

A Statement of Arbitrability must be filed by the deadline on the schedule if the case is subject to mandatory arbitration and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. Any party filing a Statement must pay a \$220 arbitration fee. If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$250 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

NOTICE OF NON-COMPLIANCE FEES:

All parties will be assessed a fee authorized by King County Code 4.71.050 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Rule 41.

King County Local Rules are available for viewing at www.metrokc.gov/kcsccl.

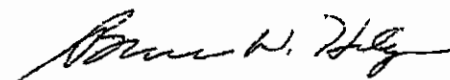
II. CASE SCHEDULE

CASE EVENT	DEADLINE or EVENT DATE	Filing Needed
Case Filed and Schedule Issued.	Tue 06/03/2008	*
Confirmation of Service [See KCLR 4.1].	Tue 07/01/2008	*
Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR 2.1(a) and Notices on Page 2]. \$220 arbitration fee must be paid	Wed 11/12/2008	*
DEADLINE to file Confirmation of Joinder if not subject to Arbitration. [See KCLR 4.2(a) and Notices on Page 2]. Show Cause hearing will be set if Confirmation is not filed or Box 2 is checked.	Wed 11/12/2008	*
DEADLINE for Hearing Motions to Change Case Assignment Area. [See KCLR 82(e)]	Tue 11/25/2008	
DEADLINE for Disclosure of Possible Primary Witnesses [See KCLR 26(b)].	Mon 06/15/2009	
DEADLINE for Disclosure of Possible Additional Witnesses [See KCLR 26(b)].	Mon 07/27/2009	
DEADLINE for Jury Demand [See KCLR 38(b)(2)].	Mon 08/10/2009	*
DEADLINE for Setting Motion for a Change in Trial Date [See KCLR 40(e)(2)].	Mon 08/10/2009	*
DEADLINE for Discovery Cutoff [See KCLR 37(g)].	Mon 09/28/2009	
DEADLINE for Engaging in Alternative Dispute Resolution [See KCLR 16(c)].	Mon 10/19/2009	
DEADLINE for Exchange Witness & Exhibit Lists & Documentary Exhibits [See KCLR 16(a)(4)].	Mon 10/26/2009	
DEADLINE to file Joint Confirmation of Trial Readiness [See KCLR 16(a)(2)].	Mon 10/26/2009	*
DEADLINE for Hearing Dispositive Pretrial Motions [See KCLR 56; CR 56].	Mon 11/02/2009	
Joint Statement of Evidence [See KCLR 16(a)(5)].	Mon 11/09/2009	*
Trial Date [See KCLR 40].	Mon 11/16/2009	

III. ORDER

Pursuant to King County Local Rule 4 [KCLR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action must serve this *Order Setting Civil Case Schedule* and attachment on all other parties.

DATED: 06/03/2008



PRESIDING JUDGE

IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

READ THIS ORDER PRIOR TO CONTACTING YOUR ASSIGNED JUDGE

This case is assigned to the Superior Court Judge whose name appears in the caption of this Schedule. The assigned Superior Court Judge will preside over and manage this case for all pre-trial matters.

COMPLEX LITIGATION: If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

The following procedures hereafter apply to the processing of this case:

APPLICABLE RULES:

a. Except as specifically modified below, all the provisions of King County Local Rules 4 through-26 shall apply to the processing of civil cases before Superior Court Judges.

CASE SCHEDULE AND REQUIREMENTS:

A. Show Cause Hearing: A Show Cause Hearing will be held before the Chief Civil/Chief RJC judge if the case does not have confirmation of service on all parties, answers to all claims, crossclaims, or counterclaims as well as the confirmation of joinder or statement of arbitrability filed before the deadline in the attached case schedule. All parties will receive an *Order to Show Cause* that will set a specific date and time for the hearing. Parties and/or counsel who are required to attend will be named in the order.

B. Pretrial Order: An order directing completion of a Joint Confirmation of Trial Readiness Report will be mailed to all parties approximately six (6) weeks before trial. **This order will contain deadline dates for the pretrial events listed in King County Local Rule 16:**

- 1) Settlement/Mediation/ADR Requirement;
- 2) Exchange of Exhibit Lists;
- 3) Date for Exhibits to be available for review;
- 4) Deadline for disclosure of witnesses;
- 5) Deadline for filing Joint Statement of Evidence;
- 6) Trial submissions, such as briefs, Joint Statement of Evidence, jury instructions;
- 7) voir dire questions, etc;
- 8) Use of depositions at trial;
- 9) Deadlines for nondispositive motions;
- 10) Deadline to submit exhibits and procedures to be followed with respect to exhibits;
- 11) Witnesses — identity, number, testimony;

C. Joint Confirmation regarding Trial Readiness Report: No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g. interpreters, equipment), etc. If parties wish to request a CR 16 conference, they must contact the assigned court.

Plaintiff/petitioner's counsel is responsible for contacting the other parties regarding said report.

D. Settlement/Mediation/ADR:

- 1) Forty five (45) days before the Trial Date,** counsel for plaintiff shall submit a written settlement demand. Ten (10) days after receiving plaintiff's written demand, counsel for defendant shall respond (with a counteroffer, if appropriate).
- 2) Twenty eight (28) days before the Trial Date,** a settlement/mediation/ADR conference shall have been held. **FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.**

E. Trial: Trial is scheduled for 9:00 a.m. on the date on the *Schedule* or as soon thereafter as convened by the court. The Friday before trial, the parties should access the King County Superior Court website at www.metrokc.gov/kcsc to confirm trial judge assignment. Information can also be obtained by calling (206) 205-5984.

MOTIONS PROCEDURES:

A. Noting of Motions

Dispositive Motions: All Summary Judgment or other motions that dispose of the case in whole or in part will be heard with oral argument before the assigned judge. The moving party must arrange with the courts a date and time for the hearing, consistent with the court rules.

King County Local Rule 7 and King County Local Rule 56 govern procedures for all summary judgment or other motions that dispose of the case in whole or in part. The local rules can be found at www.metrokc.gov/kcsc.

Nondispositive Motions: These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the *Note for Motion* should state "Without Oral Argument." King County Local Rule 7 governs these motions, which include discovery motions. The local rules can be found at www.metrokc.gov/kcsc.

Motions in Family Law Cases not involving children: Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions Calendar. King County Local Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at www.metrokc.gov/kcsc.

Emergency Motions: Emergency motions will be allowed only upon entry of an *Order Shortening Time*. However, emergency discovery disputes may be addressed by telephone call, and without written motion, if the judge approves.

Filing of Documents All original documents must be filed with the Clerk's Office. *The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge.* The assigned judge's working copy must be delivered to his/her courtroom or to the judges' mailroom. Do not file working copies with the Motions Coordinator, except those motions to be heard on the Family Law Motions Calendar, in which case the working copies should be filed with the Family Law Motions Coordinator.

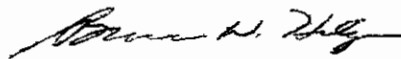
Original Proposed Order: Each of the parties must include in the working copy materials submitted on any motion an original proposed order sustaining his/her side of the argument. Should any party desire a copy of the order as signed and filed by the judge, a preaddressed, stamped envelope shall accompany the proposed order.

Presentation of Orders: All orders, agreed or otherwise, must be presented to the assigned judge. If that judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the assigned judge or in the Ex Parte Department. ~~Formal proof in Family Law cases must be scheduled~~ before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. If final orders and/or formal proof are entered in the Ex Parte Department, counsel is responsible for providing the assigned judge with a copy.

C. Form: Memoranda/briefs for matters heard by the assigned judge may not exceed twenty four (24) pages for dispositive motions and twelve (12) pages for nondispositive motions, unless the assigned judge permits over-length memoranda/briefs in advance of filing. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PETITIONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.



PRESIDING JUDGE

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2008 JUN -3 AM 10: 04

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

KING CO SUPERIOR CT
BARBARA MINER
DIRECTOR & SUPERIOR COURT CLERK
SEATTLE WA

08-2-18857-4

Recpt. Date	Acct. Date	Time
06/03/2008	06/03/2008	10:07 AM
Receipt/Item #	Tran-Code	Docket-Code
2008-13-12020/01	1100	\$FFR
Cashier: JLC		

KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT DESIGNATION
and
CASE INFORMATION COVER SHEET
(cics)

Paid By: Moschetto and Koplin, Inc. PS
Transaction Amount: \$200.00

In accordance with LR82(e), a faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to King County Code 4.71.100.

CASE NUMBER: **08-2-18857-4SEA**

CASE CAPTION: Marc Stern v. Douglas Clark

I certify that this case meets the case assignment criteria, described in King County LR 82(e), for the:

X Seattle Area, defined as:

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

 Kent Area, defined as:

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

Signature of Petitioner/Plaintiff

Date

or

Signature of Attorney for
Petitioner/Plaintiff

6/2/08

Date

7688
WSBA Number

**KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT DESIGNATION**

**and
CASE INFORMATION COVER SHEET**

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time but helps in forecasting judicial resources. A faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to Administrative Rule 2 and King County Code 4.71.100.

APPEAL/REVIEW

- ☐ Administrative Law Review (ALR 2)*
☐ DOL Implied Consent—Test Refusal—only RCW 46.20.308 (DOL 2)*

CONTRACT/COMMERCIAL

- ☐ Breach of Contract (COM 2)*
☐ Commercial Contract (COM 2)*
☐ Commercial Non-Contract (COL 2)*
☐ Meretricious Relationship (MER 2)*
with dependent children? Y / N; pregnant? Y / N
☐ Third Party Collection (COL 2)*

DOMESTIC RELATIONS

- ☐ Annulment/Invalidity (INV3)*
with dependent children? Y / N; wife pregnant? Y / N
☐ Nonparental Custody (CUS 3)*
☐ Dissolution With Children (DIC 3)*
☐ Dissolution With No Children (DEN 3)*
wife pregnant? Y / N
☐ Enforcement/Show Cause- Out of County (MSC 3)
☐ Establish Residential Sched/Parenting Plan(PPS 3)* ~~ff~~
☐ Establish Support Only (PPS 3)* ~~ff~~
☐ Legal Separation (SEP 3)*
with dependent children? Y / N; wife pregnant? Y / N
☐ Mandatory Wage Assignment (MWA 3)
☐ Modification (MOD 3)*
☐ Modification - Support Only (MDS 3)*
☐ Out-of-state Custody Order Registration (FJU 3)
☐ Out-of-State Support Court Order Registration (FJU 3)
☐ Reciprocal, Respondent Out of County (ROC 3)
☐ Reciprocal, Respondent in County (RIC 3)
☐ Relocation Objection/Modification (MOD 3)*

ADOPTION/PATERNITY

- ☐ Adoption (ADP 5)
☐ Challenge to Acknowledgment of Paternity (PAT 5)*
☐ Challenge to Denial of Paternity (PAT 5)*
☐ Confidential Intermediary (MSC 5)
☐ Establish Parenting Plan-Existing King County Paternity (MSC 5)*
☐ Initial Pre-Placement Report (PPR 5)
☐ Modification (MOD 5)*
☐ Modification-Support Only (MDS 5)*
☐ Paternity, Establish/Disestablish (PAT 5)*
☐ Paternity/UIFSA (PUR 5)*
☐ Out-of-State Custody Order Registration (FJU 5)
☐ Out-of-State Support Order Registration (FJU5)
☐ Relinquishment (REL 5)
☐ Relocation Objection/Modification (MOD 5)*
☐ Rescission of Acknowledgment of Paternity (PAT 5)*
☐ Rescission of Denial of Paternity (PAT 5)*
☐ Termination of Parent-Child Relationship (TER 5)

DOMESTIC VIOLENCE/ANTIHARASSMENT

- ☐ Civil Harassment (HAR 2)
☐ Confidential Name Change (CHN 5)
☐ Domestic Violence (DVP 2)
☐ Domestic Violence with Children (DVC 2)
☐ Foreign Protection Order (FPO 2)
☐ Sexual Assault Protection Order (SXP 2)
☐ Vulnerable Adult Protection (VAP 2)

~~ff~~ Paternity Affidavit or Existing/Paternity is not an issue and NO other case exists in King County

* The filing party will be given an appropriate case schedule

** Case schedule will be issued after hearing and findings.

**KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT DESIGNATION
and**

CASE INFORMATION COVER SHEET

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time but helps in forecasting judicial resources. A faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to Administrative Rule 2 and King County Code 4.71.100.

PROPERTY RIGHTS

- ☐ Condemnation/Eminent Domain (CON 2)*
- ☐ Foreclosure (FOR 2)*
- ☐ Land Use Petition (LUP 2)*
- ☐ Property Fairness (PFA 2)*
- ☐ Quiet Title (QTI 2)*
- ☐ Unlawful Detainer (UND 2)

JUDGMENT

- ☐ Confession of Judgment (MSC 2)*
- ☐ Judgment, Another County, Abstract (ABJ 2)
- ☐ Judgment, Another State or Country (FJU 2)
- ☐ Tax Warrant (TAX 2)
- ☐ Transcript of Judgment (TRJ 2)

OTHER COMPLAINT/PETITION

- ☐ Action to Compel/Confirm Private Binding Arbitration (MSC 2)
- ☐ Certificate of Rehabilitation (MSC 2)
- ☐ Change of Name (CHN 2)
- ☐ Deposit of Surplus Funds (MSC 2)
- ☐ Emancipation of Minor (EOM 2)
- ☐ Frivolous Claim of Lien (MSC 2)
- ☐ Injunction (INJ 2)*
- ☐ Interpleader (MSC 2)
- ☐ Malicious Harassment (MHA 2)*
- ☐ Non-Judicial Filing (MSC 2)
- ☐ Other Complaint/Petition (MSC 2)*
- ☐ Seizure of Property from the Commission of a Crime (SPC 2)*
- ☐ Seizure of Property Resulting from a Crime (SPR 2)*
- ☐ Structured Settlements (MSC 2)*
- ☐ Subpoena (MSC 2)

PROBATE/GUARDIANSHIP

- ☐ Absentee (ABS 4)
- ☐ Disclaimer (DSC4)
- ☐ Estate (EST 4)
- ☐ Foreign Will (FNW 4)
- ☐ Guardian (GDN4)
- ☐ Limited Guardianship (LGD 4)
- ☐ Minor Settlement (MST 4)
- ☐ Notice to Creditors - Only (NNC 4)
- ☐ Trust (TRS 4)
- ☐ Trust Estate Dispute Resolution Act/POA (TDR 4)
- ☐ Will Only—Deceased (WLL4)

TORT, MEDICAL MALPRACTICE

- ☐ Hospital (MED 2)*
- ☐ Medical Doctor (MED 2)*
- ☐ Other Health Care Professional (MED 2)*

TORT, MOTOR VEHICLE

- ☐ Death (TMV 2)*
- ☐ Non-Death Injuries (TMV 2)*
- ☐ Property Damage Only (TMV 2)*
- ☐ Victims Vehicle Theft (VVT 2)*

TORT, NON-MOTOR VEHICLE

- ☐ Asbestos (PIN 2)**
- ☐ Implants (PIN 2)
- ☐ Other Malpractice (MAL 2)*
- ☒ Personal Injury (PIN 2)*
- ☐ Products Liability (TTO 2)*
- ☐ Property Damage (PRP 2)*
- ☐ Wrongful Death (WDE 2)*
- ☐ Tort, Other (TTO 2)*

WRIT

- ☐ Habeas Corpus (WHC 2)
- ☐ Mandamus (WRM 2)**
- ☐ Review (WRV 2)**

* The filing party will be given an appropriate case schedule. ** Case schedule will be issued after hearing and findings.

FILED

2008 JUN 10 PM 4:28

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MARC S. STERN,

Plaintiff,

vs.

DOUGLAS H. CLARK, and the marital
community of Douglas H. Clark and Carrie M.
Clark,

Defendant.

NO. 08-2-18857-4 SEA

CONFIRMATION OF SERVICE

☒ All the named defendants have been served or have waived service. (Check if appropriate; otherwise, check the box below.)

☐ One or more named defendants have not yet been served. (If this box is checked, the following information must also be provided.)

The following defendants have been served or have waived service: None

The following defendants have not yet been served: None

Reasons why service has not been obtained: N/A

How service will be obtained: N/A

Date by which service is expected to be obtained: N/A

☒ No other named defendants remain to be served.

CONFIRMATION OF SERVICE - 1

F:\tm\plead\07\07-219,3
Rev. June 10, 2008

MOSCHETTO & KOPLIN, INC., P.S.
Attorneys at Law
1800 112th Avenue N.E., Suite 300E
Bellevue, WA 98004-2954
Telephone: 425-641-6000
Fax: 425-641-1745

ORIGINAL

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DATED this 10th day of June, 2008.

MOSCHETTO & KOPLIN, INC., P.S.

By

Joseph L. Koplin
WSBA No. 7683
Attorneys for Plaintiff

CONFIRMATION OF SERVICE - 2

F:\m\plead\07\07-219,3

Rev. June 10, 2008

MOSCHETTO & KOPLIN, INC., P.S.

Attorneys at Law

1800 112th Avenue N.E., Suite 300E

Bellevue, WA 98004-2954

Telephone: 425-641-6000

Fax: 425-641-1745

FILED

2008 JUN 12 PM 2:04

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

**SUPERIOR COURT, IN AND FOR THE COUNTY OF KING, STATE OF
WASHINGTON**

MARC S STERN

Plaintiff/Petitioner

Cause #: 08 2 18857 4 SEA

vs.
DOUGLAS H CLARK, AND THE MARITAL
COMMUNITY OF DOUGLAS H CLARK AND
CARRIE M CLARK

Defendant/Respondent

Declaration of Service of:

SUMMONS AND COMPLAINT FOR DAMAGES; ORDER
SETTING ORIGINAL CIVIL CASE SCHEDULE

Hearing Date:

Declaration:

The undersigned hereby declares: That s(he) is now and at all times herein mentioned, a citizen of the United States and a resident of the State of Washington, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the date and time of Jun 10 2008 8:40AM at the address of 2311 NE 140TH ST SEATTLE, within the County of KING, State of WASHINGTON, the declarant duly served the above described documents upon DOUGLAS H CLARK by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with DOUGLAS H CLARK 50 Y/O C/M 175# 5'10" SHAVED HEAD.

No information was provided that indicates that the subjects served are members of the U.S. military.

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: June 11, 2008 at Seattle, WA

by


J. Showers

0712554

Service Fee Total: \$ 78.49

STEVEN GONZALEZ

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MARC S. STERN,

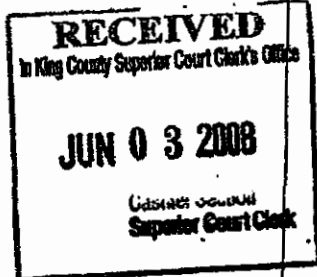
Plaintiff,

vs.

DOUGLAS H. CLARK, and the marital
community of Douglas H. Clark and Carrie M.
Clark,

Defendant.

N~~0~~**08-2-18857-4SEA**
SUMMONS (20 DAYS)



THE STATE OF WASHINGTON, TO: DOUGLAS H. CLARK, and the marital community
of Douglas H. Clark and Carrie M. Clark, Defendant

TO THE DEFENDANT: A lawsuit has been started against you in the above-entitled
court by plaintiff. Plaintiff's claims are stated in the written complaint, a copy of which is served
upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your
defense in writing, and by serving a copy upon the person signing this summons within 20
days after the service of this summons, excluding the day of service, or a default judgment
may be entered against you without notice. A default judgment is one where plaintiff is entitled
to what has been asked for because you have not responded. If you serve a notice of
appearance on the undersigned person, you are entitled to notice before a default judgment
may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the
demand must be in writing and you must be served upon the person signing this summons.
Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or
the service on you of this summons and complaint will be void.

SUMMONS (20 DAYS) - 1
F:\tm\plead\07\07-219,2
Rev. June 2, 2008

MOSCHETTO & KOFLIN, INC., P.S.
Attorneys at Law
1800 112th Avenue N.E., Suite 300E
Bellevue, WA 98004-2954
Telephone: 425-641-6000
Fax: 425-641-1745

COPY

FILED
08 JUN 25 AM 9:40
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

Honorable Judge Steven C. Gonzalez

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

MARC S. STERN,

Plaintiff,

Vs.

DOUGLAS H. CLARK, and the marital
community of Douglas H. Clark and Carrie M.
Clark,

Defendant.

NO. 08-2-18857-4 SEA

**DEFENDANTS CLARKS' ANSWER TO
COMPLAINT**

I. PARAGRAPHS OF COMPLAINT ADMITTED.

Paragraph Nos. 1, 2, 4 are admitted.

II. PARAGRAPHS OF COMPLAINT ADMITTED IN PART AND DENIED

IN PART.

III. PARAGRAPHS OF COMPLAINT DENIED.

Paragraph Nos. 5, 6, 7, 8, 9, 10, 11, 12 and plaintiff's prayer for judgment are
denied.

IV. PARAGRAPHS DENIED FOR LACK OF INFORMATION.

Answering Paragraph No. 3 defendants lack knowledge or information sufficient
to form a belief as to the truth of the allegations contained therein, and therefore said paragraph is
denied.

ORIGINAL

Steven S. Takahashi
eAttyAngel@pacnet.net
901 5th Ave Ste 830
Seattle, WA 98164
Phone: 206-689-4276
Fax: 206-689-4282

1
2 V. AFFIRMATIVE DEFENSES.

3 1. Plaintiff may have failed to mitigate his damages.
4 2. The defendants' carrier may have made payments to the plaintiff upon the
5 claims raised in plaintiff's complaint, which payments should be credited against any verdict in
6 favor of the plaintiff.

7
8 3. Plaintiff's injuries and damages, if any, were proximately caused by the
9 negligence of the plaintiff, and damages are to be apportioned according to the relative fault of
10 the parties.

11 4. The plaintiff's injuries and damages, if any, are not actionable because the
12 plaintiff did voluntarily and knowingly consent to the situation which caused plaintiff harm, if
13 any.

14
15 5. If plaintiff suffered any injuries or damages, such were proximately caused
16 by the negligence of parties over whom defendant had no control nor right of supervision,
17 specifically the owner of the house at 2306 NE 140th Street, Seattle, Washington on the date of
18 the incident.

19
20 VI. SPECIFIC RESERVATION.

21
22 Defendants specifically reserve the right to amend this answer by way of adding
23 additional affirmative defenses, counter-claims, cross-claims, or by instituting third-party actions
24 as additional facts are obtained through further investigation and discovery.

25 WHEREFORE, having fully answered plaintiff's complaint and raised affirmative
26 defenses, defendants pray as follows:

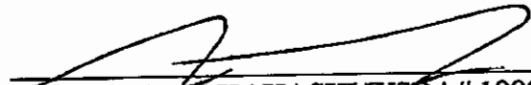
27 1. That plaintiff's complaint be dismissed with prejudice and that defendants
28 be awarded costs and attorneys fees in defending said action;

Steven S. Takahashi
Attorney at Law
901 5th Ave Ste 830
Seattle, WA 98164
Phone: 206-489-4276
Fax: 206-489-4282

1
2 2. For an apportionment of fault pursuant to RCW 4.22.070; and

3 3. For such other relief as the court deems just and equitable.

4 Dated this 23 day of June, 2008.

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8 
9 STEVEN S. TAKAHASHI WSBA# 19084
10 Attorney for Defendants Clark
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Steven S. Takahashi
«AverageSpecialty»
901 5th Ave Ste 830

Seattle, WA 98164
Phone: 206-689-4276
Fax: 206-689-4282

FILED

KING CO SUPERIOR CT
BARBARA MINER
DIRECTOR & SUP CRT CLERK
SEATTLE WA

08-2-18857-4

Time 09:40 AM
Acct. Date 06/25/2008
Rept. Date 06/25/2008
Trans-Code 1140
Docket-Code \$JDR12
Cashier: RDB
Paid By: steven takahashi
Transaction Amount: \$250.00

Judge Steven C. Gonzalez

FILED
08 JUN 25 AM 9:40
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

MARC S. STERN,

Plaintiff,

vs.

DOUGLAS H. CLARK, and the marital
community of Douglas H. Clark and Carrie M.
Clark,

Defendant.

NO. 08-2-18857-4 SEA

DEFENDANTS CLARK'S JURY
DEMAND
(CLERK'S ACTION REQUIRED)

Pursuant to KCLR 38(b)(2), a jury demand is being requested no later than the "Deadline for a change in Trial Date", August 10, 2009.

Steven S. Takahashi, Attorney of Record for defendants herein, hereby requests a jury of
12 persons for the trial in the above-entitled matter, **Monday, November 16, 2009.**

The proper fee for this demand, the sum of \$250.00, is attached.

Dated this 24 day of June, 2008.


STEVEN S. TAKAHASHI WSBA# 19084
Attorney for Defendants Clark

ORIGINAL

Steven S. Takahashi
Attorney at Law
901 5th Ave Ste 830
Seattle, WA 98164
Phone: 206-689-4276
Fax: 206-689-4282

FILED

2008 JUN 26 PM 1:53

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

Honorable Steven C. Gonzalez

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

MARC S. STERN,

Plaintiff,

vs.

DOUGLAS H. CLARK, and the marital
community of Douglas H. Clark and Carrie M.
Clark,

Defendant.

NO. 08-2-18857-4 SEA

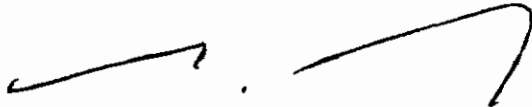
NOTICE OF APPEARANCE
(Clerk's Action Required)

TO: Joseph L. Koplin, Attorney for Plaintiff(s)

AND TO: The Clerk of the above-entitled Court

PLEASE TAKE NOTICE that the appearance of defendant(s) is hereby entered in the above-entitled cause through the undersigned attorney. You are hereby directed to serve all future pleadings or papers, except original process, upon said attorney at the address below stated.

Dated this 24 day of June, 2008.


STEVEN S. TAKAHASHI WSBA# 19084
Attorney for Defendant(s) Clark

Steven S. Takahashi
c/tyAsgnSpecialty
901 5th Ave Ste 830

Seattle, WA 98164
Phone: 206-689-4276
Fax: 206-689-4282

FILED

2008 OCT 23 PM 2: 17

Honorable Steven C. Gonzalez

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MARC S. STERN,

Plaintiff,

vs.

DOUGLAS H. CLARK, and the marital
community of Douglas H. Clark and Carrie M.
Clark,

Defendant.

NO. 08-2-18857-4 SEA

CONFIRMATION OF JOINDER OF
PARTIES, CLAIMS AND DEFENSES

☒ The parties make the following joint representations:

[IF THIS BOX IS CHECKED, THERE WILL NOT BE A STATUS CONFERENCE
AS LISTED ON THE CASE SCHEDULE ORDER]

1. This case is not subject to mandatory arbitration.

[If it is, this report should not be filed; instead, no later than the deadline for filing
this report, a statement of arbitrability should be filed, pursuant to KCLR 16.1(f)
and LMAR 2.1(a).]

2. No additional parties will be joined.

3. All parties have been served or have waived service.

4. All mandatory pleadings have been filed.

5. No additional claims or defenses will be raised.

CONFIRMATION OF JOINDER - 1
F:\tm\plead\07\07-219,7
Rev. October 22, 2008

MOSCUETTO & KOPLIN, INC., P.S.
Attorneys at Law
1800 112th Avenue N.E., Suite 300E
Bellevue, WA 98004-2954
Telephone: 425-641-6000
Fax: 425-641-1745

ORIGINAL

1 6. The parties anticipate no problems in meeting the deadlines for disclosing
2 possible witnesses and other, subsequent deadlines in the Case Schedule.

3 7. All parties have cooperated in completing this report.

4 ☐ The parties do not join in making the foregoing representations, as
5 explained below (if appropriate, check both the box at left and every
6 applicable box below).

7 [IF THE BOX ADJACENT TO THE PRECEDING SENTENCE IS CHECKED, THERE
8 WILL BE A STATUS CONFERENCE AS NOTED IN THE CASE SCHEDULE
9 ORDER, WHICH ALL PARTIES OR THEIR ATTORNEYS MUST ATTEND.]

10 ☐ An additional party will be joined.

11 ☐ A party remains to be served.

12 ☐ A mandatory pleading remains to be filed.

13 ☐ An additional claim or defense will be raised.

14 ☐ One or more parties anticipate a problem in meeting the deadlines for disclosing
15 possible witnesses or other, subsequent deadlines in the Case Schedule.

16 ☐ A party has refused to cooperate in drafting this report.

17 ☐ Other explanation: _____
18 _____

19 In order to obtain the court's direction in the matters described above, the parties
20 will appear at an Initial Status Conference, the date of which (as stated in the
21 Case Schedule) is: _____

22 DATED this 22 day of October, 2008.

23 MOSCHETTO & KOPLIN, INC., P.S.

24 By [Signature]
25 JOSEPH L. KOPLIN
WSBA #1683
Attorneys for Plaintiff

By [Signature]
STEVEN S. TAKAHASHI, WSBA #19084
Attorney for Defendant

BEST AVAILABLE IMAGE POSSIBLE

6. The parties anticipate no problems in meeting the deadlines for disclosing possible witnesses and other, subsequent deadlines in the Case Schedule.
7. All parties have cooperated in completing this report.
- [] The parties do not join in making the foregoing representations, as explained below (if appropriate, check both the box at left and every applicable box below).

[IF THE BOX ADJACENT TO THE PRECEDING SENTENCE IS CHECKED, THERE WILL BE A STATUS CONFERENCE AS NOTED IN THE CASE SCHEDULE ORDER, WHICH ALL PARTIES OR THEIR ATTORNEYS MUST ATTEND.]

- [] An additional party will be joined.
- [] A party remains to be served.
- [] A mandatory pleading remains to be filed.
- [] An additional claim or defense will be raised.
- [] One or more parties anticipate a problem in meeting the deadlines for disclosing possible witnesses or other, subsequent deadlines in the Case Schedule.
- [] A party has refused to cooperate in drafting this report.
- [] Other explanation: _____

In order to obtain the court's direction in the matters described above, the parties will appear at an Initial Status Conference, the date of which (as stated in the Case Schedule) is: _____

DATED this 22 day of October, 2008.

MOSCHETTO & KOPLIN, INC., P.S.	
By _____ JOSEPH L. KOPLIN WSBA #7683 Attorneys for Plaintiff	By <u>[Signature]</u> STEVEN S. TAKAHASHI, WSBA #19084 Attorney for Defendant

FILED

2008 NOV 24 PM 1:51

Honorable Judge Steven C. Gonzalez

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MARC S. STERN,

Plaintiff,

v.

DOUGLAS H. CLARK, and the marital
community of Douglas H. Clark and Carrie M.
Clark,

Defendant.

NO. 08-2-18857-4 SEA

NOTICE OF UNAVAILABILITY

TO: DOUGLAS H. CLARK, Defendant

AND TO: STEVEN S. TAKAHASHI, Attorney for Defendant Douglas H. Clark.

~~YOU AND EACH OF YOU~~ please take notice that Joseph L. Koplin, attorney for Plaintiff MARC S. STERN, in the above-referenced matter, will be absent from his office from December 25, 2008 through January 2, 2009.

The undersigned therefore requests that no depositions, motions, court hearings, CR 35 examinations, or other matters which require his attention in person or by pleading be scheduled during this time period and for one week thereafter so as to preclude adequate preparation. The undersigned cannot supervise or introduce another attorney to the facts and proceedings involved in this case. The undersigned will request terms or other sanctions should any matters requiring his attention or attendance be scheduled during this time.

NOTICE OF UNAVAILABILITY - 1
F:\TM\PLEAD\07-219,8 note of unavail
Rev. November 21, 2008

ORIGINAL

MOSCHETTO & KOPLIN, INC., P.S.
Attorneys at Law
1800 112th Avenue NE, Suite 300E
Bellevue, WA 98004-2954
Telephone: 425-641-6000
Fax: 425-641-1745

1 The undersigned further requests that the Clerk of the Court transmit this information,
2 whenever any motion or other matter is set within the time period stated above, to the Court
that will be hearing the matter.

3 DATED this 21 day of November, 2008.

4 MOSCIETTO & KOPLIN, INC., P.S.

5
6 By 

JOSEPH L. KOPLIN

WSEB #7683

Attorneys for Plaintiff

FILED
KING COUNTY, WASHINGTON
DEC - 5 2008
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF KING

STERN

Plaintiff/Petitioner,

vs.

CLARK ET ANO

Defendant/Respondent.

NO. 08-2-18857-4 SEA

ORDER ON TRANSFER OF
INDIVIDUAL JUDGE ASSIGNMENT
(ORCJ)

Effective January 12, 2009, this case is transferred from Judge Steve Gonzalez,
Dept. 5, to Judge Harry McCarthy, Dept. 19 for pre-trial management

Parties should not contact the newly-assigned judge prior to 1/12/09, except for purposes of
scheduling matters that will be heard after 1/12/09.

Motions already scheduled in the month of December shall remain before the currently assigned
judge.

The trial date and all other dates in the case schedule shall remain the same, unless revised by the
assigned judge.

If final documents for this case have been entered, please disregard this notice.

It is so ordered this December 5, 2008



Presiding Judge

KOPLIN, JOSEPH LAWRENCE
1800 112TH AVE NE STE 300E
BELLEVUE, WA 98004-2954

TAKAHASHI, STEVEN SHIGERU
901 5TH AVE STE 830
SEATTLE, WA 98164-2008

FILED

09 MAY 15 PM 2:01

Honorable Judge Steven C. Gonzalez

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MARC S. STERN,

Plaintiff,

v.

DOUGLAS H. CLARK, and the marital
community of Douglas H. Clark and Carrie M.
Clark,

Defendant.

NO. 08-2-18857-4 SEA

NOTICE OF UNAVAILABILITY

TO: DOUGLAS H. CLARK, Defendant

AND TO: STEVEN S. TAKAHASHI, Attorney for Defendant Douglas H. Clark.

YOU AND EACH OF YOU please take notice that Joseph L. Koplin, attorney for Plaintiff MARC S. STERN, in the above-referenced matter, will be absent from his office from: June 8 through June 23, 2009.

The undersigned therefore requests that no depositions, motions, court hearings, CR 35 examinations, or other matters which require his attention in person or by pleading be scheduled during this time period and for one week thereafter so as to preclude adequate preparation. The undersigned cannot supervise or introduce another attorney to the facts and proceedings involved in this case. The undersigned will request terms or other sanctions should any matters requiring his attention or attendance be scheduled during this time.

The undersigned further requests that the Clerk of the Court transmit this information, whenever any motion or other matter is set within the time period stated above, to the Court that will be hearing the matter.

NOTICE OF UNAVAILABILITY - 1
Rev. May 14, 2009

MOSCHETTO & KOPLIN, INC., P.S.
Attorneys at Law
1800 112th Avenue NE, Suite 300E
Bellevue, WA 98004-2954
Telephone: 425-641-6000
Fax: 425-641-1745

ORIGINAL

1 DATED this 14 day of May, 2009.

2 MOSCHETTO & KOPLIN, INC., P.S.

3 By _____

4 JOSEPH L. KOPLIN
5 WSBA #7683
6 Attorneys for Plaintiff

FILED

09 MAY 26 AM 10:45

KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 08-2-18857-4 SEA

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF KING

STERN

Plaintiff/Petitioner,

vs.

CLARK ET ANO

Defendant/Respondent.

NO. 08-2-18857-4 SEA

ORDER ON TRANSFER OF
INDIVIDUAL JUDGE ASSIGNMENT
(ORCJ)

Effective June 1, 2009, this case is transferred from Judge Harry McCarthy,
Dept. 19, to Judge Theresa B. Doyle, Dept. 13 for pre-trial management

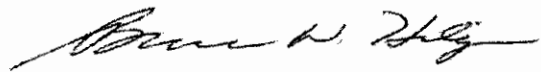
Parties should not contact the newly-assigned judge prior to June 1, 2009, except for purposes of
scheduling matters that will be heard after June 1, 2009.

Motions already scheduled in the month of June shall remain before the currently assigned judge.

The trial date and all other dates in the case schedule shall remain the same, unless revised by the
assigned judge.

If final documents for this case have been entered, please disregard this notice.

It is so ordered this May 26, 2009



Presiding Judge

KOPLIN, JOSEPH LAWRENCE
1800 112TH AVE NE STE 300E
BELLEVUE, WA 98004-2954

TAKAHASHI, STEVEN
901 5TH AVE STE 830
SEATTLE, WA 98164-2008

FILED

09 MAY 27 AM 9:54

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

Hon. Harry McCarthy

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MARC S. STERN,

Plaintiff,

vs.

DOUGLAS H. CLARK, and the marital
community of Douglas H. Clark and Carrie
M. Clark,

Defendant.

NO. 08-2-18857-4 SEA

PLAINTIFF'S DISCLOSURE OF POSSIBLE
PRIMARY WITNESSES

IN COMPLIANCE with KCLR 26(b), the undersigned submits this disclosure of
possible primary witnesses.

Lay Witnesses

Marc Stern
c/o Joseph L. Koplin
Moschetto and Koplin, Inc., P.S.
1800 112th Avenue NE, Suite 300E
Bellevue, WA 98004-2954

Plaintiff will testify concerning the circumstances of the December 15, 2007 injury,
his injuries, treatment received, impact of the injury on his activities of daily living including
work and recreation, past and present, general damages for pain and suffering, and related
matters.

PLAINTIFF'S DISC. OF POSS. PRIM. WIT. - 1
2009-05-07 plaintiff disclosure poss prim
witnesses

MOSCHETTO & KOPLIN, INC., P.S.
Attorneys at Law
1800 112th Avenue NE, Suite 300E
Bellevue, WA 98004-2954
Telephone: 425-641-6000
Fax: 425-641-1745

ORIGINAL

1 Catherine Lord
12906 66th Avenue SE
2 Snohomish, WA 98296
Cell: (206) 619-2241
3

4 Ms. Lord was the listing agent for the residence at 2306 NE 140th Street, Seattle,
Washington. She will testify to her conversations with plaintiff and defendant before and
5 after plaintiff's injury, her testimonial knowledge regarding the crawlspace access, her
observations as to plaintiff's injury, and related matters.

6 Douglas Clark
c/o Steven Takahashi
7 Allstate Staff Counsel
901 Fifth Avenue, Suite 830
8 Seattle, WA 98164

9 Defendant may be called as an adverse witness to testify regarding his failure to
10 warn, barricade and guard the crawlspace access at 2306 NE 140th Street, Seattle,
Washington during his home inspection on December 15, 2007, and related matters.

11 Ellen Garella
12 927 North Northlake Way, Suite 301
Seattle, WA 98103-3046
13 W: (206) 675-0675

14 Attorney who took pictures of the scene and of plaintiff's injuries.

15 Expert Witnesses

16 The following experts treated plaintiff for injuries sustained and can testify to their
17 examination, diagnoses, treatment, prognoses, medical causation, and to the amount and
18 reasonableness of medical expenses:

19 Catherine A. Del Secco, PAC
20 Virginia Mason Emergency Department
1100 Ninth Avenue
21 Seattle, WA 98111
22 (206) 583-6433

23
24
25 PLAINTIFF'S DISC. OF POSS. PRIM. WIT. - 2
2009-05-07 plaintiff disclosure poss prim
witnesses

MOSCHETTO & KOPLIN, INC., P.S.
Attorneys at Law
1800 112th Avenue NE, Suite 300E
Bellevue, WA 98004-2954
Telephone: 425-641-6000
Fax: 425-641-1745

1 Heidi Shors, MD
John Buckmiller, MD
2 Virginia Mason Medical Center
1201 Terry Avenue
3 Seattle, WA 98111
(206) 223-7530

4
5 Laura Griffin, OT
6 Renee Spoelhof, OT
Sarah Plautz, OT
7 Robin Chang, OT
Virginia Mason Medical Center
8 1201 Terry Avenue
Seattle, WA 98111
(206) 223-7530

9
Liability and Standard of Care Experts

10 The following experts will testify on liability and standard of care issues:

11 Mark Lawless
12 Construction Services Management, Inc. (CSMI)
811 1st Avenue, #466
13 Seattle, WA 98104
W: (206) 233-0804 x101

14 Mr. Lawless may be called to testify regarding standard of care of a reasonably
15 prudent home inspector, the dangers of an unsecured floor opening, and related matters.
Mr. Lawless' CV is attached.

16 Stanley H. Freeman
17 ~~Senior Lecturer Emeritus~~
Environmental and Occupational Health Sciences
18 University of Washington
16463 SE 35th Street
19 Bellevue, WA 98008

20 Mr. Freeman may be called to testify regarding standard of care of a reasonably
21 prudent home inspector, the dangers of an unsecured floor opening, and related matters.
Mr. Freeman's CV is attached.

22 Nick Gromicko
1750 30th Street
23 Boulder, CO 80301
24 Cell: (720) 272-8578

25 **PLAINTIFF'S DISC. OF POSS. PRIM. WIT. - 3**
2009-05-07 plaintiff disclosure poss prim
witnesses

MOSCHETTO & KOPLIN, INC., P.S.
Attorneys at Law
1800 112th Avenue NE, Suite 300E
Bellevue, WA 98004-2954
Telephone: 425-641-6000
Fax: 425-641-1745

1 Nick Gromicko is the founder and president of InterNachi, the International
2 Association of Certified Home Inspectors (www.nachi.org) and the Master Certification
3 Inspection Board, Inc. (CMI) (www.certified-masterinspector.org) which certifies home
4 inspectors. Mr. Gromicko has been involved in the home inspection field for approximately
5 25 years, has built up and sold several home inspection businesses, and has performed an
6 estimated 15,000 inspections. Today, he runs NACHI and CMI and maintains their
7 websites. He develops online teaching and credentialing courses for home inspectors, and
8 speaks about 50 times a year to the inspection industry.

9 Mr. Gromicko will testify regarding the standard of care of a reasonably prudent
10 home inspector and defendant's failure to warn, barricade and guard the open crawlspace
11 access as a failure to meet the standard of care.

12 Human Factors Expert

13 Gary Sloan, Ph.D.
14 2934 Steamboat Island N.W.
15 Olympia, WA 98502
16 W: (360) 866-1768

17 Dr. Gary Sloan, a human factors expert, may be called to testify regarding the
18 human factors involved in plaintiff's injury, including the location of the crawlspace access in
19 plaintiff's lower peripheral vision, the lack of time to preview and process the location of the
20 crawl space upon entering the garage in the residence, and related matters. Dr. Sloan's
21 CV is attached.

22 Plaintiff reserves the right to identify and call as an expert witness, any person
23 whose name is identified through additional discovery or in documents made available to
24 the parties and reserves the right identify rebuttal experts. Further, plaintiff reserves the
25 right to call as an expert, any individuals identified as an expert by defendant in its
disclosure of witnesses.

26 Reservation

27 Plaintiff reserves the right to call as witnesses at trial, any witnesses disclosed in
28 defendant's disclosure of primary witnesses.

29 Reservation of Rights

30 Discovery and investigation continues. Plaintiff expressly reserves the right amend

31 PLAINTIFF'S DISC. OF POSS. PRIM. WIT. - 4
32 2009-05-07 plaintiff disclosure poss prim
33 witnesses

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1 this disclosure as discovery proceeds.

2 DATED THIS 26th day of May, 2009.

3 MOSCHETTO & KOPLIN, INC., P.S.

4 By 

5 JOSEPH L. KOPLIN
6 WSBA # 7683
7 Attorneys for Plaintiff
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25 PLAINTIFF'S DISC. OF POSS. PRIM. WIT. - 5
2009-05-07 plaintiff disclosure poss prim
witnesses

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C S M I
CONSTRUCTION
SYSTEMS
MANAGEMENT
INC.

811 FIRST AVE., #466
SEATTLE, WA 98104
TEL: (206) 233-0804
FAX: (206) 625-9586

MANAGEMENT SERVICES
ESTIMATES
COST & SCHEDULE RECOVERY
SAFETY MANAGEMENT

MARK J. LAWLESS

EXPERTISE:

- Construction Claims Analyst
- Construction Management and Safety
- Professional Estimator
- Licensed General Contractor

EDUCATION:

- M.S., Department of Civil Engineering, University of Washington, 1993
- B.S., Construction Management, University of Washington, 1981
- Real Estate License, Portland, Oregon, 1977
- B.S., General Science, Oregon State University, 1975
- Certified Flight Instructor, National Aviation Academy, 1974

PUBLICATIONS:

- "Dispute Resolution," Daily Journal of Commerce
- "Safety Motivation in Construction," Daily Journal of Commerce
- "Experience Ratings & Bottom Line," Daily Journal of Commerce "Avoid Legal Problems With a Carefully Prepared Estimate," The Estimator
- "Orientation Programs & Awareness," Daily Journal of Commerce
- "New Fall Protection Standards," Daily Journal of Commerce
- Construction Contractor Accident Prevention Program

LECTURES:

- "The Estimator's Role in Construction Claims," ASPE, 1986
- "Construction Risk Mgmt.," Wash. Water & Wastewater Assoc., 1991
- "Construction Site Injury Claims," WSTLA CLE Mini-Series, 1993
- "Defending the Construction Case," Washington Defense Trial Lawyers, 1997
- "Construction Accident Prevention Programs," construction sites, Quarterly, 1993-present
- "Construction Safety," Western Wash. Carpenters' Apprenticeship, Renton Technical College, Monthly, 1993-present

AFFILIATIONS:

- American Association of Cost Engineers, USA & Canada
- American Society of Professional Estimators
- American Arbitration Association Commercial Panel
- Evergreen Safety Council
- American Society of Safety Engineers

FIELD EXPERIENCE

Mark Lawless has over 30 years of construction experience ranging from field work to construction management company owner, general contractor and real-estate developer. As a laborer and carpenter foreman in the 1970's in Alaska, Oregon and Washington, he acquired the hands-on experience to understand labor productivity and the influence that cost and delay factors contribute to the overall success of many commercial, industrial, and civil construction projects. Mr. Lawless gained his expertise in heavy concrete construction and in the construction of mid-rise commercial and institutional buildings. He ended his field career in the position of superintendent.

CONSTRUCTION MANAGEMENT EXPERIENCE

While obtaining his B.S. degree in Construction Management in the early 1980s, Mr. Lawless worked as project manager for one of the largest Canadian contractors doing business in the Pacific Northwest. The projects he was responsible for included two multi-million dollar schools, a 500-man correction facility, and many smaller commercial and institutional projects. In each of these projects, Mr. Lawless was responsible for bidding, scheduling, and managing a multitude of subcontracts and material procurement contracts.

In the mid-1980s, Mr. Lawless started a general contracting business and completed several commercial and residential projects before evolving the business into construction management. He now combines his field and project management experience with 16 years of construction management services to assist clients with a variety of construction-related issues.

PROFESSIONAL CONSTRUCTION SERVICES

CSMI prepares and defends construction claims, investigates defective construction work, determines and prepares scope of work for repairs, estimates costs of completing contracts and correcting defective work, and manages construction projects experiencing difficulty in either cost or schedule attainment. CSMI incorporates both IBM and Macintosh computer systems for cost analysis, databases, estimating, scheduling, graphics, court exhibit preparation and spreadsheet analysis.

In addition to construction claims work, Mr. Lawless uses his expertise for constructability reviews, conceptual and finite estimating, project management, defect analysis, financial evaluation, surety work, construction injury analysis, and legal support services. CSMI's client base includes attorneys, insurance companies, financial institutions, owners, architects, and contractors.

In 1996, Mr. Lawless renewed his general contractor's license and founded Lawless Construction Corporation (LCC) to assist clients in construction and repair. LCC's first major project was a \$2.9 million renovation of a historic building into condominiums in Eastern Washington. LCC's projects include leak mitigation and repair of two condominium complexes, and a restaurant expansion and construction of a large wine cellar. Lawless Construction's other projects include building a 7-unit apartment building, mortuary and crematorium, and residential leak mitigation and renovation.

Mr. Lawless testifies as an expert witness in state and federal courts about the effects of schedule and cost overruns, code compliance, defects, and safety in construction. As a construction expert, Mark can quickly grasp the subject matter of a problem and present it with credibility to a mediator or a trier of fact. His experience allows him to present the most complex situations in simple and comprehensive language. In addition, Mr. Lawless serves as an arbitrator for construction disputes at the American Arbitration Association.

CONSTRUCTION SAFETY EXPERTISE

As part of CSMI's construction services, Mark regularly consults with contractors on issues of site safety. He currently teaches construction safety to carpenter and drywall apprentices through Renton Technical College, where he developed a 16-hour safety training course. Northwest Safety Management, a division of CSMI publishes a Construction Contractor Accident Prevention Program which is recognized by both OSHA and WISHA. The program is in use by over 200 contractors in the Pacific Northwest and Alaska.

CSMI's MISSION STATEMENT

Our company goal is to earn our client's trust by providing responsive quality services. We earn this trust by meeting client needs with efficient, honest, and cost-effective management. CSMI has been involved in many projects of all sizes. Representative projects include:

- Boeing Wing Spar Assembly Building – Everett, Washington
- Washington State Convention & Trade Center – Seattle, Washington
- Howe Sound Pulp and Paper Mill – Port Mellon, British Columbia.
- Summers Residence – Edmonds, Washington
- Boeing Paint Hangar Facility – Everett, Washington

- Eagle River Junior High School — Eagle River, Alaska
- Couer d'Alene Wastewater Treatment Plant — Couer d'Alene, Idaho
- Army Corps of Engineers Headquarters — Walla Walls, Washington
- Boundary Hospital — Bonner's Ferry, Idaho
- Wash Creek Bridge — Yakima, Washington
- Bonney Lake Sewer Main and Outflow — Bonney Lake, Washington
- Renton Wastewater Treatment Plant — Renton, Washington
- U.S. Coast Guard Office Facilities — Petaluma, California
- Electrical Distribution Improvements — Pearl Harbor, Hawaii
- Kolrud Residence — Monroe, Washington
- Intermountain Power Project — Delta, Utah
- Boeing Flight Line Fuel Station Expansion — Everett, Washington
- Reman Juvenile Detention Hall — Tacoma, Washington
- U.S. Navy Industrial Support Complex — Bremerton, Washington
- City of Kent Police Building Renovation — Kent, Washington
- U.S. Hanshew Junior High School — Anchorage, Alaska
- Triangle Parking Garage, University of WA — Seattle, Washington
- Gakona Diesel Generating Facility — Gakona, Alaska
- Priest Rapids Dam and Outfall — Wenatchee, Washington
- Wegley Residence — Seattle, Washington
- Laurel Park Condominiums — Seattle, Washington
- Thome Bay School — Juneau, Alaska
- Arrow Point Condominiums — Coeur D'Alene, Idaho
- Swartz Bay B.C Ferry Auto Transfer Ramp — Swartz Bay, British Columbia
- Chu Residence — Bellevue, Washington
- Sixth and King Building — Seattle, Washington
- Snohomish County Transit Facility — Everett, Washington
- Pier 90, Port of Seattle Headquarters — Seattle, Washington
- Water District 20 Water Main Replacement — Burien, Washington
- Davidson Residence — Bainbridge Island, Washington
- City of Omak Water Meter Installation — Omak, Washington
- Sacred Heart Catholic Church — Bellevue, Washington
- Nike Business Campus — Portland, Oregon
- Boeing Aircraft Interiors Building — Everett, Washington
- Hoover Dam Interpretive Center — Las Vegas, Nevada
- Wallace Best Western Motel — Wallace, Idaho

LEAK AND DEFECTIVE CONSTRUCTION INVESTIGATION:

- Watershed Condominiums — Kirkland, Washington
- Bradford Court Condominiums — Seattle, Washington
- Voetburg Residence — Centralia, Washington
- Cascade Condominiums — Everett, Washington
- Mount Scott Commons Apartments — Portland, Oregon
- Benoit Residence — Graham, Washington
- West Seattle Bridge — Seattle, Washington
- McCape Residence — Davis, California
- Taiyo Condominiums — Seattle, Washington
- Tobin Residence — Humptulips, Washington
- Oxford Condominiums — Issaquah, Washington
- Bug hi Residence — Bellevue, Washington
- Woodburn Elementary — Bainbridge Island, Washington
- Richards/Rysave Residence — Whidbey Island, Washington
- Ambassador II Condominiums — Seattle, Washington
- Moles Residence — Bellingham, Washington
- Holiday Inn — Issaquah, Washington
- Johnson Residence — Bothell, Washington
- Pt. Triumph Condominiums — Astoria, Oregon
- Diesen Residence — Sequim, Washington
- Holiday Inn — Grants Pass, Oregon
- Taylor Residence — Marysville, California
- Sunnybrook Stables — Snohomish, Washington
- Poggi Residence — Bainbridge Island, Washington
- Sood Warehouse — Seattle, Washington
- Kuhnle Residence — Lake Forest Park, Washington
- Waverly Place Condominiums — Seattle, Washington
- Mayer Residence — Federal Way, Washington
- Alaska Distributors Warehouse — Seattle, Washington
- Johnson Residence — Lynnwood, Washington
- Cedar Village Apartments — Renton, Washington
- Splaver Residence — Whidbey Island, Washington
- Gosselin Residence — Federal Way, Washington
- Yates Residence — Olympia, Washington
- Inn at Semiahmoo — Blaine, Washington
- Wiedesal Residence — Puyallup, Washington
- ~~Seven Day Adventist Church — Centralia, Washington~~
- Adams Residence — Graham, Washington
- Millers Village Condominiums — Mill Creek, Washington
- Riedesal Residence — Kirkland, Washington
- Martin Residence — Lake Forest Park, Washington
- Rose Park Condominiums — Kirkland, Washington

PERSONAL INJURY CASES SINCE 1993:

Albert vs. Morris Pitha	David Schladetzky	Larson vs. Kuchan Construction
Seablom vs. Gaston Bros.	Maryann Hochsprung	Whitman vs. Paris Plumbing
Excavating	Harvey vs. SD Deacon	Dillree vs. PK Construction
Currie vs. Cosco	Arnold vs. Edgewater	Garvie vs. Guerdon Homes
McCoullagh vs. VanMarren	Allred vs. B&I	Ryneerson vs. LCL
Nelson vs. AA Rental/Goodson	Yankaski vs. Construction Assoc.	Hyatt vs. NW Erectors
Celirick vs. Pearson Drilling	Gutensohn vs. Castlewood	Wolfe vs. Robbins
Fallazadah vs. V&J Inc.	Sandra Magmey	Grayson
Smithers vs. Park	Root vs. Dwyer	Bostelles vs. Hovde
Bradshaw vs. Sellen Construction	Grimm	Construction
Hunt vs. Leipper	Kaiser	Palco vs. Walashek
Weaver vs. West RS, Inc/Trammell	Scaizo	Luke's vs. DBG
Cockburn vs. Herberts/Sallys Saloon	Bowers vs. Baugh	Bauer vs. Golder & Associates
Johnson vs. Tn-State	Hillbeng vs. Buchan	Reidell vs. Burlington Northern
Mathew Callow	Mooza vs. Whidbey Welding	Mrs. Bce
Fred Wise vs. Timberidge	MoLead vs. Imco	McDougall vs. Absher Const.
Construction	Blanchard vs. Sunset Foundry	Robert Kraus
Cooper vs. Skillingstad Construction	Boyd vs. Auburn School District	Carpenter vs. Pease & Sons
Elliot vs. Lincoln Properties	Willmott vs. First Choice	Wood vs. Expert
Cantrell vs. Sea Galley	Mahaffey	Carmen vs. Erickson
Larson vs. Buchan Homes	Webber vs. Quadrant	Paul vs. Construction
Anck Romaszewski	Lesmeister vs. Colson Caster	Enterprises
Pope vs. Salant	Smith vs. Cree	Newman vs. Hinton
Heerema vs. Stewart Construction	Robinson vs. Ladset	Green Creek Mine
Nordby vs. Sabey	Winston vs. DPE	Williams vs. Stone Consolidated
Phillips vs. O & O Construction	McInroe vs. Halvy Corp.	Wilson vs. Pankos
Allen vs. Crown Cork & Seal	Howell vs. Wick	Johnson vs. Puget
Zweegman vs. Pearson Construction	Sandra Taylor	Blake vs. Interstate Coatings
Samuels vs. Hanson	Bold vs. Texaco	Woodbury vs. CH2M Hill
Gerald P. Coons	Uhuru	Zysett vs. Ennens
Santee vs. Pacific Construction	Pizi	Butcher vs. Walker Corp.
Fleshacker vs. Red Dog	Johnson vs. Woodmark	Richmonds vs. Bellevue Square
Construction	Barge vs. Sellen	Kamla vs. Space Needle
Gable vs. Construction Associates	Voight vs. Tacoma Kraft	Grass vs. Steinwall
Levy vs. Sellen	Foreaker vs. LCL	Gier vs. Provident Electric
Torgerson vs. Fairway Mechanical	Jackson vs. LCL	Watkins vs. Chandlers Cove
Randy Boynton	Morales vs. Framers Co-op	Baker vs. City of Darrington
Doubeck vs. Nouwens	Reeve vs. Atcon	Tyler vs. Block Steel
Temple vs. Unit Company	Search vs. WPP5	Auston vs. Scottys
Davis vs. IFI	Pieper vs. Lakeside Industries	Flansberg
Bousillos vs. Kiewit	MacDonald	Staub vs. USI
Smith vs. Ames	Korlever vs. Ames Construction	Mahoney vs. Jergenson
Daniels vs. ACS	Smith vs. Yoderian Construction	Ducolon vs. Shockley
Dowdy vs. Abbott	McLean	Swalley vs. Sato
May vs. Lehman	Rowenta	Cooley vs. Tradeshow
Van Cill vs. PPM Crane	Trapp vs. Kiley Cole	Meneely vs. N5PI
State of AK vs. Houston	Harvey vs. Northward	Bowers vs. Anderson Excavating
Construction	Mears vs. Western wood	Roy vs. Inland
Pritchards vs. Dews Construction	Riley vs. CT Construction	Blankenship
Dizuba vs. The Austin Company	Ditri vs. Stern	Mocown vs. Ocean View
Hinds vs. Associated Sand & Gravel	Gutensohn	Lee vs. Lugo
DARco vs. Hill	Kimberly Wood	Dietsche vs. Wilder Construction
Baker vs. VanMaren Construction	Paulson vs. Passmore	Renegade Construction
Dexter vs. JM Rafn & Coast	Davis vs. Deacon	Rice
Pierce vs. Mackey	Baker vs. Clark	Manalasta vs. Cadman
Nicholson Construction	Jansen vs. Supershute	Yankee Diner
Jenks vs. Redwood Construction	Albertsons	Beck vs. Armadillo
King vs. Art & Sons	Ramsay	Argirpoulos vs. Power
Mackey vs. Engle	Halsenten vs. Costello	Construction
Zuvela vs. Morgan & Oswood	Bowen vs. Lent	PR Excavating
Homer vs. Poe Construction	Staub vs. CGI	Roberts vs. Absher
Overholdt vs. First Builders	Marter	Corona
West vs. Valley Electric Co.	Lawrence vs. Citadel	Roberts vs. US vs. Beckman
Musgrave vs. Seattle City Light	Ferwenja vs. Foushee	Const.
	Shaw vs. Cooney	Blake vs. Michelle's Trucking
	Garrick Morrison	Mowat Construction
		Chamber vs. Western WA.
		Fairgrounds

McCarthy vs. Groff
McCracken vs. CRJ Roofing
Netherda vs. WG Clark
Art Wadekamper

Nelson vs. Wood
Huestis vs. Odegard
Woods vs. Expert
Kaeppel vs. Parkwood Homes

Haataia vs. Pivettai Bros.
Emery vs. Sears
Wallace vs. Metco
Lake City Elks

CURRICULUM VITAE

STANLEY H. FREEMAN

Revised - July 2004

UNIVERSITY ADDRESS

Senior Lecturer Emeritus
Educational Resource Center
Department of Environmental and
Occupational Health Sciences
School of Public Health & Community Medicine
University of Washington, 357234
Seattle, Washington 98195

HOME (office) ADDRESS

16463 S.E. 35th St.
Bellevue, WA 98008
PHONE: 425-746-8743
FAX: 425-649-8556

EDUCATION

- 1959 New York University, New York, New York, MA
(Organization and Direction of Safety Education and
Industrial Safety).
- 1951 State University of New York, Buffalo, New York, BS
(Industrial Arts Education).

PROFESSIONAL POSITIONS

- 1997- **Safety Consultant**, Technical, Forensic and
Programmatic Safety issues. (See Professional Activities,
Pages 2 and 3).
- 1993- **Senior Lecturer Emeritus**, Department of Environmental
and Occupational Health Sciences, School of Public Health
and Community Medicine, University of Washington,
Seattle, Washington.
- 1976- 1993 **Co-Director for Occupational Safety**, Educational
Resource Center, Department of Environmental and
Occupational Health Sciences, School of Public Health and
Community Medicine, University of Washington, Seattle,
Washington.
- 1976-1993 **Lecturer**, Department of Environmental and Occupational
Health Sciences, School of Public Health and Community
Medicine, University of Washington.

Stanley H. Freeman
Page 2
CURRICULUM VITAE

- 1972-1976 **Safety and Industrial Hygiene Manager, 707/727/737**
Division, Boat Division, Boeing Commercial Airplane
Company, Renton, Washington.
- 1971-1972 **Safety and Industrial Hygiene Manager, Supersonic**
Transport Division, Boeing Company, Seattle,
Washington.
- 1967-1971 **Safety and Industrial Hygiene Manager, 707/727**
Division, Boeing Company, Renton, Washington.
- 1965-1967 **Chief of Safety, Industrial Hygiene and Medical**
Services, Vertol Division, Boeing Company, Philadelphia,
Pennsylvania.
- 1958-1965 Various safety positions, including **Safety Supervisor,**
Safety Education Specialist, Safety Inspector, Boeing
Company, Seattle, Washington.
- 1956-1958 **Industrial Engineer, Methods Analyst, Boeing**
Company, Seattle, Washington.
- 1953-1956 **Line Officer, US Coast Guard, aboard Ocean Weather**
Station vessels.

HONORS

Sigma Upsilon, National Literary Society.

CERTIFICATION

Certified Safety Professional, June 1972 to June 2004 - now retired status.

PROFESSIONAL ORGANIZATIONS

American Society of Safety Engineers (ASSE) – Construction Specialty Program.

PROFESSIONAL ACTIVITIES

Safety Consultant to Industry: ITT Rayonier, Boeing Company, Seattle City
Light, City of Seattle Exxon, Todd Shipyard, Eldec Electronics, Honeywell,
Lockheed Shipyard, Omark Industries, GM Nameplate, The Robbins Company,
Sellen Construction, Chihuly Studios, Digitrak, others, 1976 to present.

Stanley H. Freeman
Page 3
CURRICULUM VITAE

Forensic Consultant: Machine Guarding, electrical safety, falls from elevation, lighting, fire and explosion, systems safety, product liability, premises issues, human factors, safety management, construction safety management, paper and pulp mills, oil refineries and oil drilling platforms, tunnel boring machines, sawmills, metal refineries, shipboard issues, railroad issues, failure to warn; 1976 to present.

Safety Consultant, City of Seattle, December 1999

Faculty, Short Course, Legal Aspects of Construction Safety, University of Washington, October 1998.

Speaker, Machine Guarding - Central Washington Industrial Safety and Health Conference, September, 1997.

Visiting Faculty, Safety Management, Machine Guarding, Systems Safety, Construction Safety - Burapha University, Chonburi, Thailand, May 1996.

Short Course Co-Director, Construction Safety - the Bottom Line, University of Washington, April 1996.

Seminar Leader, Machine Guarding - American College of Occupational and Environmental Medicine - State of the Art Conference, Seattle, October 1995.

Short Course Faculty, Machine Guarding - Federal Safety and Health Conference, April 1994.

NIOSH Training Grant Reviewer, Master of Science in Safety and Health Degree Program, University of Southern California, November, 1993.

Short Courses Faculty, Oregon Governor's Safety and Health Conference, Machine Guarding and Safety Management, March 1993.

Short Course Faculty, Confined Space Management, University of Washington, January, 1993.

Seminar Leader, Machine Guarding, Field Federal Safety Council, 1992.

Seminar Leader, Fall Protection, University of Washington, January, 1992.

Workshop Leader and Speaker, National Conference on Construction Safety and Health, University of Washington, 1990.

Short Course Director and Faculty, Construction Safety Management, University of Washington, 1990.

Stanley H. Freeman
Page 4
CURRICULUM VITAE

Visiting Lecturer, Seattle University, University of Montana, University of Idaho, Western Washington University, Central Washington University, the Business School of the University of Washington, 1988.

Short Course Director, Legal aspects of Construction Safety, University of Washington, 1988.

Short Course Director, Management of Industrial Safety Programs, University of Washington, 1979, 1981, 1986, 1987, 1988.

Short Course Director, Use of Microcomputers in Occupational Health and Safety, University of Washington, 1985.

Short Course Director, Machine Guarding, University of Washington, 1983.

Course Director and Presenter, Safety Management, Batelle Memorial Institute, Houston, St. Louis, San Diego, San Francisco, 1982.

Chair, Annual Northwest Safety Management Conference, State of Washington, 1979, 1980.

Member, Field Federal Safety Council, 1978 -present.

Curriculum Consultant, Safety Management, University of Hawaii, School of Public Health, 1980.

Member, Aerospace Industries Association ANSI Standard MC102E Committee, 1970.

General Chairman, Aerospace Section, National Safety Council, 1972-1974,
Member, 1970-1976.

PRESENTATIONS

Seminar Developer and Speaker, Hazard Identification, Analysis and Control, Evergreen Safety Council, 1971-1984.

Seminar Developer and Speaker, Machine Guarding, Seattle, Richland, 1980-1983.

Seminar Developer and Speaker, Work in Confined Spaces, Seattle, Boise, Portland, 1979-1987.

Stanley H. Freeman
Page 5
CURRICULUM VITAE

Seminar Developer and Speaker, Safety Management, Seattle, Boise, Anchorage, 1978-1987.

Seminar Developer and Speaker, Fundamentals of Safety, Hazard Control, Systems Safety, Seattle 1982.

Seminar Developer and Speaker, Professional Safety Programming, Todd Shipyards Corporation, 1982.

Short Course Developer and Faculty, Professional Safety Programming, State of Oregon Compliance Officers, Portland, 1981.

Short Course Developer and Faculty, Professional Safety Programming, State of Washington Health and Safety Education Specialists, Seattle, 1980.

Short Course Developer and Faculty, Professional Safety Programming, Pacific Northwest Bell Management, Seattle, 1979.

Seminar Developer and Speaker, Safety Responsibility and Accountability, Northwest Metals Loss Prevention Association, Seattle, 1979.

Seminar Developer and Speaker, How Professional is Your Safety Program?, Field Federal Safety and Health Council, Richland, WA 1978.

Seminar Developer and Speaker, Safety Management, Oregon Governor's Safety Conference, Portland 1977.

Seminar Developer and Speaker, Safety Management Techniques, Alaska Governor's Safety Conference, Anchorage, 1977.

Seminar Developer and Speaker, Safety Management Aspects of Industrial Hygiene, American Industrial Hygiene Asso., Portland, OR, 1976.

Seminar Developer and Speaker, Noise in Industry, Washington Governor's Safety Conference, Olympia, Washington, 1976.

Co-author and Participant, Mock trial illustrating a product liability problem, Washington Governor's Safety Conference, Olympia, 1975.

Seminar Developer and Speaker, Safety Training Techniques (with Vinson and Bauer), National Safety Congress, Chicago, 1975.

Seminar Developer and Speaker, Noise Reduction in Riveting Operations, National Safety Congress, Chicago, 1974.

Stanley H. Freeman
Page 6
CURRICULUM VITAE

Seminar Developer and Speaker, Safety Management Workshop, Western Washington Safety Conference, Seattle, 1972.

Author, "How Long is a String" (presented by M. Williams) Governor's Safety Conference, Seattle 1971.

RESEARCH PROJECTS

Principal Investigator, grant awarded, Project Minerva, National Institute for Occupational Safety and Health, (NIOSH), 1988.

Project Coordinator, "Injury Epidemiology and Case Control Studies", grant awarded by Centers for Disease Control in cooperation with the Association of Schools of Public Health, 1985.

Principal Investigator, Study on Falls from Elevation in the Construction Industry, grant approved but not funded, 1983

PUBLICATIONS

Book, "Injury and Litigation Prevention - Theory and Practice", VanNostrand Reinhold, New York, 1991.

Magazine Article, Safety Statistics are not Effective if They are Confusing", Occupational Health and Safety, August 1985.

UNIVERSITY COURSES TAUGHT 1976 thru 1993

ENVH 460 - Accident Prevention - 2 credits.

ENVH 560 - Organizing Industrial Safety and Health Programs - 3 credits.

ENVH 561 - Administering Industrial Safety and Health Programs - 3 credits

ENVH 562 - Technical Aspects of Industrial Safety - 4 credits.

ENVH 564 - Health and Safety Problems in Industry - 2 credits.

UNIVERSITY COURSES TAUGHT 1994 thru 1997

ENVH 560 - Organizing & Administering Industrial Safety and Health Programs - 4 credits.

ENVH 564 - Health and Safety Problems in Industry - 2 credits.

To references noted on other pages:

[Sloan (1996) | Sloan (1994) | Sloan (1992) | Johnson Sloan (1986) | Sloan Eshelman (1981) |

Gary David Sloan, Ph.D.

- Forensic Ergonomics/Human Factors
- Risk Identification and Reduction
- Computer Graphics and Simulation

G. David Sloan, Inc.
 2934 Steamboat Island NW
 Olympia, Washington 98502
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 FAX: (360) 866-1810
 www.gdsloan.com
 E-Mail: gdsloan@aol.com

MAJOR POSITIONS

G. David Sloan, Inc. Human Factors Olympia, Washington	1986-Present	President
Interaction Research Corporation Olympia, Washington	1985-1986	Research Director
Department of Design & Environmental Analysis Cornell University Ithaca, New York	1980-1985 1977-1980	Assistant Professor Instructor
Los Angeles County Probation Department	1969-1975	Deputy Probation Officer

Part Time

Institute of Safety and Systems Management University of Southern California	1988, 1989	Adjunct Professor
College of System Sciences University of Denver	1988, 1989, 1991	Adjunct Professor
School of Design North Carolina State University	1976	Teaching Assistant

EDUCATION

Ph.D., Psychology 1980	North Carolina State University at Raleigh	Specialization: Ergonomics Minor: Industrial Engineering
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M.A., Psychology 1975 California State University at Northridge Specialization: Human Factors

B.A., Psychology 1968 UCLA

Continuing Education

1989	Rice University	"Evolving circulation design standards, codes, and regulations for slips, trips, and fall litigation"
1998	American Academy of Forensic Scientists	Courtroom Graphics and Interactive Media in Homicide Trials
1998	South Puget Sound Community College	Fundamentals of Uniform Building Codes Certificate of Achievement (20 hours)

INSTRUCTION

I taught the following courses to undergraduate and graduate students in interior and product design at Cornell:

Environmental Analysis: Human and Social Factors

- **Purpose:** to improve fit between human characteristics and design of the built environment (products & settings).
- **Theories and Models:** models of attention; the stress reaction; signal detection theory; arousal theory; variables that affect human performance - expectancy and habit; number of stimuli and rate of presentation; control/display relationships; speed/accuracy tradeoff; sex differences; age-related changes in functioning.

Human Factors: The Ambient Environment (Light and Sound)

- **Vision:** visual acuity; field of view; illumination and luminance; contrast and glare; vision and aging.
- **Lighting:** light measurement; lighting requirements; lamp and fixture selection; lamp placement.
- **Hearing:** sound frequency and noise annoyance; noise and speech intelligibility; noise and task performance.
- **Acoustics:** sound measurement; background noise criteria; sound isolation and absorption.

Ergonomics: Anthropometry, Biomechanics, Work and Environmental Physiology

- **Anthropometry:** measurement and description of human form - reach envelopes; clearances; different user groups.
- **Biomechanics:** application of forces - balance; strength; dexterity.
- **Work Physiology:** expenditure of energy - effort, fatigue, diurnal rhythms, pacing and rest periods.
- **Environmental Physiology:** effects of environmental stressors (e.g., heat, cold, vibration) on performance.

Programming Methods in Design

- **Systems Analysis:** goal and requirement formulation; resource identification; methods of analysis - process, task error, and link analysis; generation and

- evaluation of design alternatives.
- **Methods in Architectural Programming.**

I taught the following graduate courses for the Institute of Safety and Systems Management, USC:

Psychological Factors in Systems Management (1/9/88 - 3/3/88 Bremerton, WA)

- **Research Methods:** field survey; correlational studies; field experiments; laboratory experiments.
- **Learning:** positive and negative reinforcement and punishment.
- **Motivation:** operant model; expectancy theory; equity theory; attribution theory.
- **Decision making**
- **Perception and Attitudes**
- **Personality**
- **Stress in Organizations**
- **Group Performance**

Person-Machine Factors in Systems (3/7/88 - 4/28/88 Bremerton, WA)

- **Human Capabilities and Limitations:** sensing; perception; cognition; memory, motivation, and response time.
- **Machine-Human-System Interfaces**
- **Selection and Training**
- **Performance and Systems Evaluation**
- **Error Classification and Methods of Analysis**
- **Data Collection and Analysis**

I taught the following graduate course for the College of System Sciences, University of Denver:

Systems Management and Organization Theory (9/6/88 - 10/27/88 Fort Lewis and McChord AFB, WA)

- **Managerial Functions:** planning; staffing; controlling; organizing; leading.
- **Management Theory:** autocratic model; human relations model; supportive model.
- **Motivation and Communication**
- **Staffing and Selection**
- **Techniques:** Management by Objectives; Delphi Technique; Business Portfolio Matrix; The Limiting Factor.

Human-Machine Factors in Systems (10/30 - 12/22/89; 3/7/91-3/25/91 Fort Lewis and McChord AFB, WA)

- **Human Capabilities and Limitations:** sensing; perception; cognition; memory, motivation, and response time.
- **Machine-Human-System Interfaces**
- **Selection and Training**
- **Performance and Systems Evaluation**
- **Error Classification and Methods of Analysis**
- **Data Collection and Analysis**

PUBLICATIONS, REPORTS, AND COMPUTER PROGRAMS
(partial listing)

Sloan, G. D. and J. A. Talbott. Forensic application of computer simulation of falls, *Journal of Forensic Sciences*, 41 (5) September 1996, 782-785.

Sloan, G. D. "Human factors and premises liability," WSTLA Legal Educational Seminars, Chairperson: John Hoglund, Seattle, May 20, 1994, pages 94-130.

Sloan, G. D. "The application of an expanded accident sequence model to forensic human factors," in *Proceedings of the Human Factors Society 36th Annual Meeting*, 1992, 621-625.

Sloan, G. D. "Human factors analysis," WSTLA Legal Educational Seminars, Chairpersons: H. Frank Stubbs & Eugene M. Moen, Seattle, August 24, 1990, 25p.

Sloan, G. D. & R. Kraemer "Walkway airspace mapping and stubtoe height," Presented to the 31st Annual Meeting of the Human Factors Society, New York City, October 1987, 7p.

Sloan, G. D. "Gait analysis program (Version 1.0)" Olympia, WA: G. David Sloan, Inc., 1987. (Software)

Johnson, D. A. & G. D. Sloan "Air transportation and the aging passenger," Presented to the 39th Flight Safety Foundation International Air Safety Seminar, Vancouver, Canada, October 1986, 16p.

The following four articles appeared in D.E. News, a publication of "i.e., Illustrative Evidence," A division of Interaction Research Corporation, Olympia, Washington:

Sloan, G. D. "Human factors, accidents, and the aging of America," 2(2nd Quarter), 1986.

Sloan, G. D. "Visibility checklist," 2(2), March 1986.

Sloan, G. D. "Human factors: Seeing is believing," 2(1), January 1986.

Sloan, G. D. "Perceptual Organization Inventory - Poggendorff Series," Cornell, New York, 1984. (Software)

Sloan, G. D. "Perceptual Organization Inventory - Kinetic Depth Effect Series," Cornell, New York, 1984. (Software)

Sloan, G. D. "Handedness may be more important than sex as a variable underlying individual differences in visual performance," in *Proceedings of the Human Factors Society*, 1983, 715-719.

Eshelman P. & G. D. Sloan "Guided intuition," in *Proceedings of the Third National Symposium on Human Factors and Industrial Design in Consumer Products*, September 1982, 221-227.

Sloan, G. D. Published review of *The Challenge of Interior Design* by Walter Kleeman, Jr., *Human Factors Society Bulletin*, Vol. 25, 1982.

Sloan, G. D. & P. Eshelman. "The development and evaluation of pictographic symbols," in *Proceedings of the Human Factors Society*, 1981, 198-202.

Sloan, G. D. & P. Eshelman. "The development and evaluation of pictographic symbols for conveying product misuse information," Technical Report for Corning Glass Works, Cornell University, Ithaca, New York, 1981, 123p.

Sloan, G. D. Cerebral asymmetries in perceptual grouping, unpublished dissertation, NCSU at Raleigh, 1980.

Sloan, G. D. "The excluded middle," *Cornell Journal of Social Relations*, 1978, 13(3): 167-171.

Sloan, G. D. "Theory of field values and assaultive behavior, unpublished thesis, California State

University, Northridge, 1975.

TALKS, SEMINARS, AND PANELS

February 16, 1995 Presented Paper: "Dynamic analysis of fall on stairs." The Annual Meeting of the Academy of Forensic Sciences, Seattle, Washington.

May 20, 1994 Invited Speaker: "Human Factors and Premises Liability," Washington State Trial Lawyers Association, Legal Educational Seminars (6.5 CLE Credits), Chairperson: John A. Hoglund, Washington State Convention & Trade Center, Seattle, Washington.

October 16, 1992 Presented Paper: "The application of an expanded accident sequence model to forensic human factors," 36th Annual Meeting of the Human Factors Society, Atlanta, Georgia.

August 24, 1990 Invited Speaker: "Human Factors Analysis," Washington State Trial Lawyers Association, Legal Educational Seminars (6.5 CLE Credits), Chairpersons: H. Frank Stubbs & Eugene M. Moen, Seattle Sheraton.

September 23, 1989 Paper Session: "How the brain resolves perceptual ambiguity," Meeting of Puget Sound Chapter of the Human Factors Society, Seattle, Washington.

June 20, 1989 Invited Speaker: "Ergonomic factors in the selection and adjustment of work chairs," Annual Meeting of the Washington Association of Legal Secretaries, Olympia, Washington.

October 28, 1988 Invited Speaker and Panel Member: "The older and disabled population: Forensic Issues in accidents and age discrimination," 32nd Annual Meeting of the Human Factors Society, Anaheim, California.

June 16, 1988 Invited Speaker: "Ergonomics and our workplace environment," Meeting of the Pacific Northwest Personnel Management Association, Tacoma, Washington.

October 21, 1987 Presented Paper: "Walkway airspace mapping and stubtoe height," 31st Annual Meeting of the Human Factors Society, New York City.

September 14, 1987 Invited Speaker: "Basic concepts of human factors and ergonomics," Annual meeting of Thurston County Legal Secretaries, Olympia, Washington.

August 15, 1986 Invited Speaker: "Risk identification and reduction," Distributors of LA Manufacturing Products, White Rock, Canada.

July 23, 1986 Invited Speaker: "Risk identification and reduction: The development of warning labels" Headquarters of the Figgie Corporation, Richmond, Virginia.

PROFESSIONAL SOCIETIES

Human Factors and Ergonomics Society

American Society for Testing and Materials (ASTM)

American Academy of Forensic Sciences - Provisional Member (Engineering Sciences)

Illuminating Engineering Society of North America

Society of Automotive Engineers (SAE) Affiliate

ELECTED POSITIONS

Program Chair for the Forensics Professional Technical Group of the Human Factors Society, 36th Annual Meeting, 1992.

Gary David Sloan, Ph.D.

CONDITIONS & FEE SCHEDULE

- **I am retained as a human factors consultant and not as an expert witness.** My investigation and analysis are conducted as objectively as possible. I am being compensated for my time, not for my testimony. If the client wishes me to express my opinions for the record, I will provide testimony as an expert witness.
- **My client is the attorney who has retained my services, and not the party whom he or she represents.** Invoices shall be forwarded to the client, who is responsible for their payment. Payment is due at the time the invoice is received. There will be a carrying charge of 1.5% on the unpaid balance per month for accounts 30 days or more past due.
- **My name may not be provided to opposing counsel without my prior permission.** Such unauthorized use of my name will result in the attorney being invoiced by an amount equal to my retainer; I am under no obligation to serve as an expert witness under such circumstances.
- **If it is necessary in conducting my investigation that I visit the accident site, it is the attorney's responsibility to obtain prior authorization for my visit from the relevant parties.**
- **I will be reimbursed for all reasonable costs that I incur in conducting my investigation and analysis.**
- **Computer simulations and 3-D graphics often involve considerable time and effort. It is the attorney's responsibility to impose cost constraints.** Doing so will provide direction for the scope of my effort.
- **The retainer will not be refunded in full or part but does apply towards services rendered.**

FEE SCHEDULE

Initial Consultation: \$100 (Maximum of 1 Hour)

Additional information on retainer and hourly rates available upon request: gdsloan@aol.com

FILED

09 JUN -3 AM 10:05

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

Hon. Harry McCarthy

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MARC S. STERN,

Plaintiff,

vs.

DOUGLAS H. CLARK, and the marital
community of Douglas H. Clark and Carrie
M. Clark,

Defendant.

NO. 08-2-18857-4 SEA

PLAINTIFF'S **FIRST AMENDED**
DISCLOSURE OF POSSIBLE PRIMARY
WITNESSES

IN COMPLIANCE with KCLR 26(b), the undersigned submits this disclosure of
possible primary witnesses.

Lay Witnesses

Marc Stern
c/o Joseph L. Koplin
Moschetto and Koplin, Inc., P.S.
1800 112th Avenue NE, Suite 300E
Bellevue, WA 98004-2954

Plaintiff will testify concerning the circumstances of the December 15, 2007 injury,
his injuries, treatment received, impact of the injury on his activities of daily living including
work and recreation, past and present, general damages for pain and suffering, and related
matters.

PLAINTIFF'S AMENDED DISC. OF POSS. PRIM. WIT. - 1
2009-06-02 plaintiff disclosure poss prim witnesses 1st
amended

MOSCHETTO & KOPLIN, INC., P.S.
Attorneys at Law
1800 112th Avenue NE, Suite 300E
Bellevue, WA 98004-2954
Telephone: 425-641-6000
Fax: 425-641-1745

ORIGINAL

1 Catherine Lord
12906 66th Avenue SE
2 Snohomish, WA 98296
Cell: (206) 619-2241
3

4 Ms. Lord was the listing agent for the residence at 2306 NE 140th Street, Seattle,
Washington. She will testify to her conversations with plaintiff and defendant before and
5 after plaintiff's injury, her testimonial knowledge regarding the crawlspace access, her
observations as to plaintiff's injury, and related matters.

6 Douglas Clark
c/o Steven Takahashi
7 Allstate Staff Counsel
901 Fifth Avenue, Suite 830
8 Seattle, WA 98164

9 Defendant may be called as an adverse witness to testify regarding his failure to
10 warn, barricade and guard the crawlspace access at 2306 NE 140th Street, Seattle,
Washington during his home inspection on December 15, 2007, and related matters.

11 Ellen Garella
12 927 North Northlake Way, Suite 301
Seattle, WA 98103-3046
13 W: (206) 675-0675

14 Attorney who took pictures of the scene and of plaintiff's injuries.

15 Expert Witnesses

16 The following experts treated plaintiff for injuries sustained and can testify to their
17 examination, diagnoses, treatment, prognoses, medical causation, and to the amount and
18 reasonableness of medical expenses:

19 Catherine A. Del Secco, PAC
Virginia Mason Emergency Department
20 1100 Ninth Avenue
Seattle, WA 98111
21 (206) 583-6433
22
23
24

25 PLAINTIFF'S AMENDED DISC. OF POSS. PRIM. WIT. - 2
2009-06-02 plaintiff disclosure poss prim witnesses 1st
amended

MOSCHETTO & KOPLIN, INC., P.S.
Attorneys at Law
1800 112th Avenue NE, Suite 300E
Bellevue, WA 98004-2954
Telephone: 425-641-6000
Fax: 425-641-1745

1 Heidi Shors, MD
John Buckmiller, MD
2 A. James Bender, MD
Virginia Mason Medical Center
3 1201 Terry Avenue
Seattle, WA 98111
4 (206) 223-7530

5 Laura Griffin, OT
Renee Spoelhof, OT
6 Sarah Plautz, OT
Robin Chang, OT
7 Virginia Mason Medical Center
1201 Terry Avenue
8 Seattle, WA 98111
9 (206) 223-7530

10 Steven R. Hamilton, M.D.
Neuro-Ophthalmic Consultants Northwest
11 1229 Madison, Suite 615
Seattle, WA 98104
12 (206) 386-2700

13 Liability and Standard of Care Experts

14 The following experts will testify on liability and standard of care issues:

15 Mark Lawless
Construction Services Management, Inc. (CSMI)
16 811 1st Avenue, #466
Seattle, WA 98104
17 W: (206) 233-0804 x101

18 Mr. Lawless may be called to testify regarding standard of care of a reasonably
19 prudent home inspector, the dangers of an unsecured floor opening, and related matters.
Mr. Lawless' CV is attached.

20 Stanley H. Freeman
Senior Lecturer Emeritus
21 Environmental and Occupational Health Sciences
University of Washington
22 16463 SE 35th Street
23 Bellevue, WA 98008

24 Mr. Freeman may be called to testify regarding standard of care of a reasonably
prudent home inspector, the dangers of an unsecured floor opening, and related matters.

25 PLAINTIFF'S AMENDED DISC. OF POSS. PRIM. WIT. - 3
2009-06-02 plaintiff disclosure poss prim witnesses 1st
amended

MOSCHETTO & KOPLIN, INC., P.S.
Attorneys at Law
1800 112th Avenue NE, Suite 300E
Bellevue, WA 98004-2954
Telephone: 425-641-6000
Fax: 425-641-1745

1 Mr. Freeman's CV is attached.

2 Nick Gromicko
1750 30th Street
3 Boulder, CO 80301
Cell: (720) 272-8578
4

5 Nick Gromicko is the founder and president of InterNachi, the International
Association of Certified Home Inspectors (www.nachi.org) and the Master Certification
6 Inspection Board, Inc. (CMI) (www.certified-masterinspector.org) which certifies home
inspectors. Mr. Gromicko has been involved in the home inspection field for approximately
7 25 years, has built up and sold several home inspection businesses, and has performed an
estimated 15,000 inspections. Today, he runs NACHI and CMI and maintains their
8 websites. He develops online teaching and credentialing courses for home inspectors, and
speaks about 50 times a year to the inspection industry.

9 Mr. Gromicko will testify regarding the standard of care of a reasonably prudent
10 home inspector and defendant's failure to warn, barricade and guard the open crawlspace
access as a failure to meet the standard of care.

11 Human Factors Expert

12 Gary Sloan, Ph.D.
2934 Steamboat Island N.W.
13 Olympia, WA 98502
W: (360) 866-1768
14

15 Dr. Gary Sloan, a human factors expert, may be called to testify regarding the
human factors involved in plaintiff's injury, including the location of the crawlspace access in
16 plaintiff's lower peripheral vision, the lack of time to preview and process the location of the
crawl space upon entering the garage in the residence, and related matters. Dr. Sloan's
17 CV is attached.

18 Plaintiff reserves the right to identify and call as an expert witness, any person
19 whose name is identified through additional discovery or in documents made available to
20 the parties and reserves the right identify rebuttal experts. Further, plaintiff reserves the
21 right to call as an expert, any individuals identified as an expert by defendant in its
22 disclosure of witnesses.

23 Reservation

24 Plaintiff reserves the right to call as witnesses at trial, any witnesses disclosed in

25 PLAINTIFF'S AMENDED DISC. OF POSS. PRIM. WIT. - 4
2009-06-02 plaintiff disclosure poss prim witnesses 1st
amended

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Bellevue, WA 98004-2954
Telephone: 425-641-6000
Fax: 425-641-1745

1 defendant's disclosure of primary witnesses.

2 Reservation of Rights

3 Discovery and investigation continues. Plaintiff expressly reserves the right amend
4 this disclosure as discovery proceeds.

5 DATED THIS 2nd day of June, 2009.

6 MOSCHETTO & KOPLIN, INC., P.S.

7
8 By

JOSEPH L. KOPLIN
WSBA # 7683
Attorneys for Plaintiff

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25 PLAINTIFF'S AMENDED DISC. OF POSS. PRIM. WIT. - 5
2009-06-02 plaintiff disclosure poss prim witnesses 1st
amended

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