

SUPERIOR COURT OF WASHINGTON
FOR BENTON COUNTY

JULIE M. ATWOOD,

Plaintiff,

vs.

MISSION SUPPORT ALLIANCE, LLC,
STEVE YOUNG, an individual, and DAVID
RUSCITTO, an individual,

Defendants.

Case No.: 15-2-01914-4

**SECOND SUPPLEMENTAL
DECLARATION OF JOHN P. SHERIDAN
IN SUPPORT OF PLAINTIFF'S SECOND
AMENDED MOTION FOR SANCTIONS**

Noted for Hearing: May 12, 2017
(ORAL ARGUMENT REQUESTED)

I, John P. Sheridan, make the following statement based on personal knowledge. I am the attorney of record for plaintiff Julie M. Atwood.

1. Judge Spanner was assigned to Ex Parte on February 7, and heard MSA's motion in chambers. In chambers, Ms. Atwood repeated her sworn declaration statement that the Fowler subpoena "was nothing more than a fishing expedition," and she raised claims that the content of her document production and testimony would be subject to attorney client privilege.

2. Since I began representing Ms. Atwood, my firm has generated over \$325,000 in fees (most of which are contingent), and Ms. Atwood has incurred over \$36,000 in costs. I have either conducted or attended more than 20 depositions in this case, and my staff has

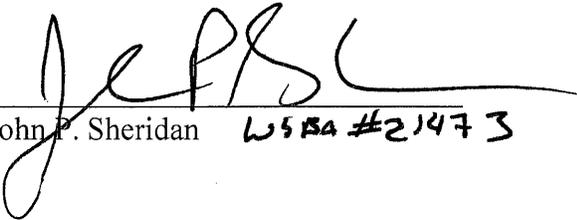
1 reviewed nearly fifteen thousand pages of documents produced in discovery, over 6,500 of
2 which were produced in the weeks before the May 1 trial date.

3 3. I have two to three-week jury trials set in other matters in July, October,
4 November and December 2017. My staff and I have blocked out most of August for vacations.
5 Resetting this case in May or June would not give me time to do additional discovery justified
6 by these late disclosures of over 6,500 new documents. Many of those newly disclosed
7 documents were investigated by Wendy Robbins (an investigator in this case) and/or Christine
8 DeVere (another investigator in this case). Ms. Robbins will need to be re-deposed on the new
9 documents, and Ms. DeVere, who will be vacationing in Europe for most of May, will need to
10 be interviewed on them as well (Ms. DeVere has submitted a declaration in support of this
11 motion that addresses what is still missing, but I have not yet interviewed her on the substantive
12 aspects of the new documents). In addition, the 6,500 pages of production implicate some of
13 the same managers as are implicated in this case (including Todd Beyers, Chris Jensen, Dave
14 Ruscitto, and Frank Armijo) in claims made by others and other investigations. Unless I can
15 bump another case already set for trial, and assuming I can depose, re-depose, or interview
16 about ten witnesses in this case (and any additional witnesses that the discovery uncovers), and
17 submit and obtain prompt responses to additional interrogatories and requests for production
18 which may flow from the 6,500 documents and the resulting depositions, I cannot take this case
19 to trial this year. Moreover, the time necessary to conduct the work needed will take away from
20 my ability to represent other clients who also require my time, and impact my ability to take on
21 new clients. Given the need for overnight travel, and the costs associated with depositions and
22 videotaped depositions, I estimate that completing this work could easily cost another \$20,000
23
24
25

1 to \$30,000 in costs and an additional \$50,000.00 to \$150,000 in fees (100-300 hours in fees).

2 I declare under penalty of perjury under the laws of the State of Washington that the
3 foregoing is true and correct to the best of my knowledge.

4 DATED this 2nd day of May, 2017.

5 
6 John P. Sheridan W5BA #21473

1
2 **CERTIFICATE OF SERVICE**

3 I, Melanie Kent, certify under penalty of perjury under the laws of the State of
4 Washington that on May 2, 2017, I served the document to which this Certificate is attached to
5 the party listed below in the manner shown.

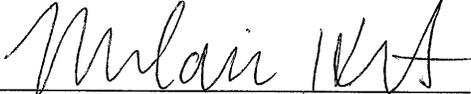
6 Denise L. Ashbaugh
7 Cristin Kent Aragon
8 YARMUTH WILSDON PLLC
9 1420 Fifth Avenue, Suite 1400
10 Seattle WA 98101
11 dashbaugh@yarmuth.com
12 caragon@yarmuth.com

- By United States Mail
- By Legal Messenger
- By Facsimile
- By Overnight Fed Ex Delivery
- By Electronic Mail

11 Stanley J. Bensussen
12 Mission Support Alliance, LLC
13 22490 Garlick Boulevard
14 Richland, WA 99352
15 Stanley_J_Bensussen@rl.gov

- By United States Mail
- By Legal Messenger
- By Facsimile
- By Overnight Fed Ex Delivery
- By Electronic Mail

16 *Attorneys for Defendants*

17 

18 Melanie Kent
19 Legal Assistant