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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

**FOURTH SUPPLEMENTAL
DECLARATION OF
CHRISTINE MORELAND**

I, Christine Moreland, make the following statement based on personal knowledge.

1. On October 27, 2016, I officially changed my name to Christine Moreland, although during the time period relevant to the matters at issue in this litigation, I was known as Christine DeVere.

2. I worked for Mission Support Alliance from August 24, 2009 to May 14, 2014 as the EEO/Diversity officer. My official title was initially Sr. HR Specialist and then HR Principal.

3. This declaration supplements the four prior declarations that I have filed in this matter (dated July 20, 2015; January 26, 2017; February 3, 2017; and April 7, 2017) related to,

1 among other things, my direct, personal knowledge of the investigation and termination of
2 Plaintiff Julie Atwood by MSA, in addition to my own claims of discrimination and
3 retaliation against MSA. On February 27, 2017, I was deposed in this matter.

4 4. I have reviewed and signed a protective order so I could review documents produced
5 by MSA in this matter marked as confidential. Documents that I have been provided and have
6 reviewed include records Bates-stamped MSA_ATWOOD007072 –14915. With this
7 declaration, I am responding to such production of documents, which primarily contain
8 records of concerns and/or complaints and the investigations that MSA conducted in response
9 thereto, including a number of matters in which I was personally involved.
10

11 5. When I worked for MSA, I conducted a number of investigations on behalf of the
12 company and would typically produce an investigation summary report that contained
13 information such as:

- 14 a. Date of Complaint or Visit
- 15 b. Concerned Personnel
- 16 c. Issues
- 17 d. Interviewer(s)
- 18 e. Closing Date
- 19 f. Description of Concerns
- 20 g. Description of Investigation, including:
 - 21 i. Witnesses Interviewed
 - ii. Documents Examined
 - iii. Identification of Applicable Company Policies
- h. Factual Findings
- i. Conclusions and/or Recommendations

22 6. My review of the documents MSA has produced in this matter leads me to conclude
23 that there are a number of documents missing that relate to the complaints and investigations
24 already produced. Specifically, I have observed that notes of witness interviews and
25 investigation report summaries appear to be missing from the production in many cases.

1 Based on my knowledge and experience, documents that appear to be missing, include but are
2 not limited to, investigative files from the following Bates-stamped pages or record series:

- 3 a. **MSA-ATWOOD007270, 7649-7717**: I know that Santos Ortega, DOE-RL, EEO
4 Director contacted me by telephone to explain the individual had gone to his office to
5 file the concern and asked me to look into the situation. I know that I did in fact
6 investigate the concern and took notes from the telephone call with Mr. Ortega and I
7 took notes from the interviews I conducted including completing a summary report
8 that I submit ted to Mr. Ortega as per his direction. It appears that my notes from the
9 telephone call with Mr. Ortega, my interview notes from my interviews and my
10 summary report I submitted to Mr. Ortega are missing.
- 11 b. **MSA-ATWOOD007268, 007358, 07557-7621**: This was a concern that initially was
12 filed with MSA Employee Concerns Program (ECP) and there was a portion which
13 dealt with discrimination based on ADA Reasonable Accommodation. MSA ECP
14 referred the portion regarding the discrimination based on the ADA and failure to
15 reasonably accommodate to me for investigation. I did investigate this concern. I took
16 notes from the telephone call with MSA ECP explaining they were going to refer a
17 portion of the concern to me, I took notes in all of the interviews I conducted through
18 the course of this investigation, including a meeting in which me, the individual, and
19 their manager held an interactive dialogue discussing his request for a reasonable
20 accommodation. Missing from this grouping of documents are my notes from the
21 telephone call with MSA ECP when they indicated they were referring the concern to
22 me for investigation, my interview notes from my meeting with the employee and
23 relevant witnesses, and my notes of the interactive dialogue meeting I had with the
24 employee and the manager documenting we did provide an accommodation that did
25 not create any safety issues. Also missing is my summary report including the report
portion that I sent over to ECP so they could close out the case.
- c. **MSA-ATWOOD010106-10128**: This was a concern alleging gender discrimination
that was reported by another contractor's (CHPRC) employee who was working with
MSA employees on a particular scope of work. This CHPRC employee reported the
concern to the MSA VP who reached out to Marilyn Strankman, MSA HR for
assistance in looking into the matter. I conducted a joint investigation of this concern
with Ms. Strankman. We conducted several interviews and had follow-up meetings
with the MSA VP and notes were taken in all meetings and interviews by both myself
and Ms. Strankman. Missing from this grouping are the interview notes that Ms.
Strankman took, both my notes and Ms. Strankman's notes from the follow-up
meetings with the MSA VP, my investigative summary report and the notes Ms.
Strankman took in her close out meeting with the MSA VP.

- 1 d. **MSA-ATWOOD010256-10285**: This was a concern that was brought to my attention
2 by the HAMMER training staff. It was reported by one of the students, A WRPS
3 employee in the training class. Since this was not an MSA employee, I contacted the
4 WRPS HR representative and we conducted a joint investigation, as some of the
5 witnesses interviewed were MSA and some were WRPS. I took notes from my
6 telephone call with the WRPS HR Representative informing her of the concern and
7 my initial meeting with the WRPS HR Representative to develop path forward for the
8 investigation. Missing from this grouping is my investigative summary report and my
9 close-out meeting notes that I had with the WRPS HR Representative and the WRPS
10 employee.
- 11 e. **MSA-ATWOOD010129-10223**: This involved a claim of discrimination based on
12 gender. I was asked to assist in the investigation of this concern as it was due to
13 discrimination based on a protected class, gender. Missing from this grouping are the
14 notes taken in my follow-up meetings with the manager and Ms. Gore, MSA HR
15 Business Partner; my investigation summary report which included recommendations;
16 and the notes I took in my close-out meeting with the concerned individual.
- 17 f. **MSA-ATWOOD010235-10255**: This concern initially was received by MSA ECP
18 and then only the portion of the claim involving harassment and retaliation were
19 referred to me for investigation. Missing from this grouping are my handwritten
20 interview notes with some of the witness interviews, including witnesses with the
21 initials K.B., S.H., and J.B and my notes from my close-out meeting with the
22 concerned individual.
- 23 g. **MSA-ATWOOD010286-10316**: This was a claim that some materials on MSA's
24 website were discriminating against women. Missing from this grouping are my
25 handwritten notes from my interviews with several witnesses (*i.e.*, with initials C.W.,
A.F., D.N., and S.H.).
- h. **MSA-ATWOOD010459-10466, 10469-10506, 007252-7253, 009742-9767**: This was
an MSA ECP concern which involved a claim of discrimination based on gender and
retaliation as a piece of the concern. MSA ECP referred the concerned individual to
me for further investigation of the issue. Missing from this grouping are some of my
handwritten notes from interviews with witnesses, my handwritten notes from my
meetings and discussions with MSA ECP reviewing the concern, my investigative
summary report and the summary I sent to MSA ECP so they could close out the
concern.
- i. **MSA-ATWOOD010551-10558**: This was a concern alleging discrimination based on
gender and retaliation. Missing from this grouping are my handwritten notes from
interviews with some of the witnesses, emails between me and the concerned

1 individual, my meeting notes from my close-out with the concerned individual and my
2 investigative summary report.

3 j. **MSA-ATWOOD01061**: This was a concern that was brought forward by a MSA
4 employee regarding a hostile work environment caused by a subcontractor to CHPRC
5 (Babcock) employee. I referred this matter to the Babcock HR Representative since
6 the alleged was their employee. Missing is my email notification to the Babcock HR
7 Representative and my follow-up email correspondence summarizing the path forward
8 we had discussed, including my handwritten interview notes from my interviews
9 which I took in conjunction with Babcock HR representative and ma condensed
10 investigative summary report which I completed.

11 k. **MSA-ATWOOD010670-10699**: This involved concern of a hostile work
12 environment which the manager of the department requested my assistance with.
13 Missing from this grouping are my notes/email correspondence requesting information
14 from the HR Manager (Juliet Rohrer), my investigative summary report, and my close
15 out email to the manager of the group.

16 l. **MSA-ATWOOD010813-10816**: The HR Manager, Juliet Rohrer, received a concern
17 from one of the individuals who received a letter notifying he was being downgraded
18 and requested my assistance as MSA's EEO Officer in reviewing the list of the
19 individuals that were identified for a down grade for any disparate impact issues.
20 Missing are my notes that I took from conducting the review of the list of individuals
21 and my analysis summary that I completed and sent to the HR Manager.

22 m. **MSA-ATWOOD010839-10845**: This regards a concern received by MSA HR, which
23 was referred to me for further investigation. The concern involved inappropriate
24 questions asked by management of an applicant in their job interview. Missing are my
25 handwritten interview notes with some of the witnesses and investigative summary
report.

n. **MSA-ATWOOD010846-10847**: This was a concern claiming discrimination based
on his Veteran status. Missing from this grouping are my handwritten interview notes
with some of the relevant witnesses, JATC documents, list of requirements for job and
advancement, and my investigative summary report.

o. **MSA-ATWOOD011239-11242**: This was an EEOC claim MSA had received. I had
handwritten status notes I had included in the file. The claim was withdrawn prior to
MSA having to submit their position statement. Missing from this grouping are my
status notes.

p. **MSA-ATWOOD011243-11281**: This was a concern alleging hostile work
environment and being forced to retire by management. The concern was referred to
me by MSA HR Business Partner to assist with further investigation. Missing from

1 this grouping are my email requests for documents from Maureen Gore, HR Business
2 Partner, some of my handwritten interview notes from witnesses and my investigative
summary report.

- 3 q. **MSA-ATWOOD011317-11355**: This was a concern brought to my attention by a
4 MSA employee alleging disability discrimination by CHPRC management. I
5 conducted the investigation in coordination with the CHPRC EEO Officer given the
6 alleged was a CHPRC employee. Missing from this grouping are my handwritten
7 meeting notes with the CHPRC EEO Officer regarding outcome of the investigation
8 and for additional interviews to be conducted. Also missing are the handwritten
9 meeting notes I had with the CHPRC HR Director and HR Manager to discuss MSA's
dissatisfaction with the way the CHPRC EEO Officer had conducted the investigation
which was believed to have been done with bias and non-objectivity, my summary
investigation report and the follow-up response from CHPRC HR Manager regarding
conclusion of investigation.
- 10 r. **MSA-ATWOOD012374-12396**: This was a concern referred to me by the Labor
11 Relations Department brought to them by an employee of MSA subcontractor
12 AKIMA. I notified the AKIMA manager and shared the concern. The AKIMA
13 manager requested I conduct the investigation and then provide him with an
investigative summary report. Missing from this grouping are all of my handwritten
notes with all of the witnesses that were interviewed.
- 14 s. **MSA-ATWOOD012832-12843, 007272-7232, 007718-7967, and 007970-7976**: This
15 was an EEOC claim which was filed in 2017, when I was no longer at MSA.
16 However, I had been involved in the investigation of several other allegations brought
17 forward by this particular employee including other EEOC claims. After one of the
18 investigations I conducted, I don't recall the actual date, the employee chose to file a
19 grievance regarding her allegation of harassment based on gender and hostile work
20 environment. The grievance went to arbitration and the outcome was MSA had to
21 return this subcontractor (CSC) employee back to her same position and work group.
22 I was the lead on creating a return to work plan and approach for integrating her back
23 into the workplace. This was done in coordination with Mr. Santos Ortega (DOE-RL
EEO Director) who had also been involved with this issue. There were several
meetings held prior to the actual return of the employee and there were extensive notes
taken by me at each of the meetings and also email correspondence from me to Mr.
Ortega, my HR VP, Mr. Todd Beyers and the other MSA representatives and the
manager of the workgroup the employee was returning to regarding path forward. I
have not seen any of these items in my review of the documents that I have reviewed.
- 24 t. **MSA-ATWOOD012847-12860**: This was a concern that Deputy Chief of Hanford
25 Patrol referred to me for further investigation. It was regarding a patrolman requesting
to opt out of required training due to feeling uncomfortable with how the training was
being performed. Missing from this grouping are my handwritten notes from my

1 interviews with the witnesses, my notes from my follow-up and close out with the
2 Deputy Chief of Hanford Patrol, and my investigative summary report.

3 7. At my deposition, Defendant presented me with Deposition Exhibit #2 containing
4 documents MSA produced in this litigation Bates-stamped MSA_ATWOOD 000166–241.
5 MSA’s counsel showed me a number of handwritten notes in Deposition Exhibit #2, which I
6 admitted I wrote, and then asked if I was “aware of any other notes that [I] took with regards
7 to this investigation that are not included in Exhibit 2 to your deposition?” I responded, “I
8 don't recall every single note, so I wouldn't know if it was missing or not.” When it came
9 time for Plaintiff’s counsel to ask me questions at the end of the deposition, he directed me to
10 five (5) pages of notes in my handwriting in Deposition Exhibit #2; notes that I took during
11 the interview of Morris Leger on September 16, 2013.¹ At the top each page, Bates-stamped
12 MSA_ATWOOD000174- MSA_ATWOOD000178, I wrote the date (“9/16/13”) and
13 indicated that the page addressed “**Interview w/ Morris Leger**” or “**Intv. Cont. w/ Morris.**”

14 8. After my notes from Mr. Leger’s interview, Plaintiff’s counsel directed to me to the
15 next page in Deposition Exhibit 2, and in the Bates series produced by Defendant,
16 MSA_ATWOOD000179; notes I handwrote during my September 16, 2013 interview of
17 Plaintiff Julie Atwood. Showing me MSA_ATWOOD000179, Ms. Atwood’s counsel said to
18 me, “It looks here like there's only one page of an interview with Julie Atwood. Is that right?”
19 As I testified in response, “No. I had more pages than that.” Further deposition questioning
20 and testimony by me, which remains true and accurate, is as follows:
21
22

23 Q. So, take a quick look. Does it look to you like perhaps somebody's pulled out some
24 of your interview pages?

25 ¹ I miscounted in my deposition, when I testified that pages 0174- 178 comprised only four pages.

1 MS. ASHBAUGH: Objection, calls for speculation.

2 THE WITNESS: I don't know, but I do know I had more than one page for Julie.

3 Q. (BY MR. SHERIDAN:) All right. And when you left the company, did you leave
4 these notes behind?

5 A. I left everything behind. When I was -- I was escorted out of the building. But after
6 I was told that I was being terminated and I chose to resign instead, Ms. Elaine Koontz
7 (phonetic spelling), I believe her name is Elaine Koontz, she escorted me at the
8 direction of Stan Bensussen and Ms. Mary Murphy to take me to my office. And she
9 sat in my office for a good hour, and made me go through every piece of paper in my
10 office. And she touched it, looked at it. If it was MSA or property of MSA, she hung
11 onto it. The only thing I was allowed to take out of the office was what was mine
12 personally.

13 Q. So, going back to the interview with Julie Atwood's notes from September 16,
14 2013, when you left, where did these documents reside?

15 A. All of my documents for this investigation and all other EEO investigations or
16 internal investigations I did for MSA were in my yellow files in that file folder -- the
17 filing cabinet in my office, which had a key lock.

18 Q. All right. Now, I noted that you had said in your testimony that Ms. Atwood had
19 told you about -- made a comment to you and Wendy about the fact that Steve Young
20 was billing for Mayor, working for the Mayor, as Mayor, right?

21 A. Ms. Atwood brought that up.

22 Q. So, could you look at Bates stamp 179, and see if you see that at all in here? (Pause
23 in the proceedings).

24 A. Down at the bottom, it says "His time accounting and work with the city hiring
25 practices - always done on task orders but not through position description skills
needed."

Q. All right. Do you think those are all the notes you wrote on that issue?

MS. ASHBAUGH: Objection.

THE WITNESS: No. **There would have been more with Julie.**

1 Q. (BY MR. SHERIDAN:) All right. Look at the next page, 180. It says 'Lynn
2 Tanasse.' Do you think this is in any way related to your discussions with Ms.
Atwood? Or can you tell?

3 A. This doesn't look like it was an interview. No. I did take interview notes with Ms.
4 Tanasse, but it would have been the same as on my other ones with the date, the time
and who it was at the top.

5 Q. Do you see it says "Unsafe environment to discuss hostile work re: Steve creating
6 hostile work"? Do you know what that relates to?

7 A. Maybe referring to -- I don't know for sure. But it was possibly the allegation.

8 Q. Okay. All right. So, as you sit here today, **can you tell us under oath that at the**
9 **time you left, there were more pages of handwritten notes than have been**
10 **presented to you today regarding your interview with Julie Atwood?**

11 **A. There would be more than this, yes.**

12 Q. All right.

13 **A. There was definitely more with Julie. We spent a good two hours with her.**

14 **Q. Would you agree with me that you did not destroy any notes pertaining to**
15 **Julie Atwood?**

16 **A. I did not destroy any of my work with MSA.**

17 Q. All right. And is it fair to say you didn't destroy any notes pertaining to your
18 investigation into Steve Young and a hostile work environment?

19 MS. ASHBAUGH: Objection, assumes facts not in evidence.

20 THE WITNESS: I did not destroy any of my files from my investigation regarding
21 Julie Atwood or Steve Young.

22 9. During my review of the documents, I came across MSA-ATWOOD0010467-10468,
23 which relate to the same investigation as the witness interview notes contained in Deposition
24 Exhibit #2, the investigation that is at the center of this litigation, and which should have

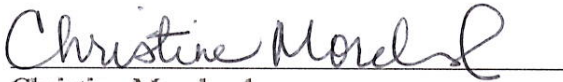
25 produced by Defendant in the same Bates-series as I maintained them in the file for the
FOURTH SUPPLEMENTAL DECLARATION OF THE SHERIDAN LAW FIRM, P.S.
CHRISTINE MORELAND - 9 Attorneys at Law

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1 investigation. I am aware from counsel that the notes of witness interview Bates-stamped
2 MSA-AIWOOD0010467-10468, were produced on March 29, 2017, one month after the
3 other handwritten notes were shown to me at my deposition taken February 27, 2017.
4

5 I declare under penalty of perjury under the laws of the State of Washington that the
6 foregoing is true and correct to the best of my knowledge.
7

8
9 DATED this 15th day of May, 2017 at West Richland, Washington

10 
11 Christine Moreland

CERTIFICATE OF SERVICE

I, Melanie Kent, certify that on May 2, 2017, I served the document to which this Certificate is attached to the party listed below in the manner shown.

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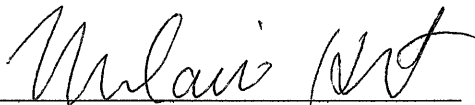
- By United States Mail
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Attorneys for Defendants

Dated this 2nd day of May, 2017.



Melanie Kent, Legal Assistant