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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

**DECLARATION OF MARK W. ROSE IN  
SUPPORT OF PLAINTIFF’S MOTION  
FOR SANCTIONS**

Noted for Hearing: May 12, 2017

I, Mark W. Rose, make the following statement based on personal knowledge. I am an attorney with the Sheridan Law Firm, P.S., the attorneys of record for Plaintiff Julie Atwood.

1. On July 18, 2016, Plaintiff served Interrogatory Nos. 16 and 17, which asked for the “relevant time period,” defined as “February 10, 2010 through the date of trial,” that MSA identify “every complaint made against MSA, for any reason,” including among other things, “all outside investigators and/or EEO investigators who have investigated and/or examined any complaints.” See pages 9, 11-12 of **Exhibit 1** attached hereto, which is a true and accurate excerpt from Plaintiff’s July 2016 discovery requests. MSA responded to those discovery requests on August 31, 2016. See Sheridan Dec., Ex. 1.

2. On October 10, 2016, Plaintiff deposed for a second time Wendy Robbins, the “Employee Concerns” Program Manager whose job entails investigating concerns presented to

1 her program, including allegations of retaliation. On February 3, 2017, Judge Runge entered  
2 her discovery order compelling the production of records responsive to Interrogatory Nos. 16  
3 and 17 “without further delay.” Plaintiff then deposed Chris Jensen (the Director of MSA’s  
4 Employee Concerns Program) on February 7, 2017; Todd Beyers (the Vice President of Human  
5 Resources) on February 9, 2017; and Christine DeVere (the former EEO Officer) on February  
6 27, 2017. In advance of these depositions, Defendant failed to produce a substantial number of  
7 communications and investigative records, which were relevant to the testimony of these  
8 witnesses, among others, and responsive to Plaintiff’s discovery requests.

9       3.       On February 17, 2017, one week before the deadline for completing discovery,  
10 Defendant produced 1,138 pages of “supplemental production” without explanation, index, or  
11 other description of the documents being produced. **Exhibit 2** is a true and accurate copy of the  
12 letter that accompanied the 2/17 production. A sampling of the documents reveals that the 2/17  
13 production includes records of complaints and investigations involving allegations of gender  
14 discrimination, harassment/hostile work environment, and retaliation. The 2/17 production  
15 includes records written to, by, or referencing Todd Beyers, Chris Jensen, Christine DeVere,  
16 and Wendy Robbins, among other witnesses in this matter.

17       4.       On February 23, 2017, approximately two weeks after Plaintiff took the  
18 deposition of Sandra Fowler, MSA produced an additional 33 pages of documents related to  
19 Ms. Fowler’s complaint of gender discrimination, including emails between Fowler and  
20 President Bill Johnson that had not been previously produced.

21       5.       On February 24, 2017, the deadline for completing discovery, MSA produced an  
22 additional 1,532 pages of supplemental production without explanation, index, or other  
23 description of the documents produced. **Exhibit 3** is a true and accurate copy of the letter that  
24 accompanied the production. A sampling of the documents reveals that 2/24 production again  
25 includes records of complaints and investigations involving allegations of gender  
discrimination, harassment/hostile work environment, and retaliation. The 2/24 production

1 again includes records written to, by, or referencing Todd Beyers, Chris Jensen, Christine  
2 DeVere, and Wendy Robbins, among other witnesses in this matter.

3 6. On March 10, 2017, MSA produced 120 pages of “supplemental production”  
4 without explanation, index, or other description of the documents produced. **Exhibit 4** is a true  
5 and accurate copy of the letter that accompanied the 3/10 production. The 3/10 production, with  
6 the exception of two pages, relates entirely to an investigation of an alleged hostile work  
7 environment in the Human Resources group, which includes Todd Beyers and Christine  
8 DeVere; as well as some of the investigative files from DeVere’s subsequent complaint of  
9 retaliation filed against Mr. Beyers, the V.P. of Human Resources, in June 2013. The 3/10/17  
10 production includes, for example, Ms. DeVere’s “witness statement” and some of the other  
11 documents cited as “Attachments” to the investigation report concerning her retaliation  
12 complaint, which Defendant failed to provide when it produced the report on the retaliation  
13 complaint on February 2. Even though Plaintiff explicitly called out MSA’s ongoing failure to  
14 produce the attachments in the Reply in Support of Motion to Compel filed on February 3,  
15 2017, Sub # 111, at 3:13-18 (*citing* Sub # 110, ¶ 5) – and despite the fact Judge Runge ordered  
16 MSA to produce the documents “without further delay” that same day – Defendant failed to  
17 produce these documents for 5 more weeks; until long after both Mr. Beyers and Ms. DeVere’s  
18 depositions were taken.

19 7. On March 28, 2017, Judge Runge entered the Order Denying Defendant’s  
20 Motion for Reconsideration. Sub #199.

21 8. On March 29, 2017, Defendant produced another 598 pages of “supplemental  
22 production” without explanation, index, or other description of the documents produced.  
23 **Exhibit 5** is a true and accurate copy of the letter that accompanied the 3/29 production. A  
24 sampling of the documents reveals that the 3/29 production again includes records of  
25 complaints and investigations involving allegations of gender discrimination,  
harassment/hostile work environment, and retaliation. The 3/29 production again includes

1 records written to, by, or referencing Todd Beyers, Chris Jensen, Christine DeVere, and Wendy  
2 Robbins, among other witnesses in this matter.

3 9. On April 3, 2017, pursuant to the case schedule and LCR 16, Plaintiff served the  
4 initial draft of the Trial Management Report, listing Plaintiff's witnesses and exhibits for trial.

5 10. On April 12, 2017, Defendant produced another 2,535 pages of "supplemental  
6 production" without explanation, index, or other description of the documents produced.

7 **Exhibit 6** is a true and accurate copy of the letter that accompanied the 4/12 production. A  
8 sampling of the documents reveals that the 4/12 production again includes records of  
9 complaints and investigations involving allegations of gender discrimination,  
10 harassment/hostile work environment, and retaliation. The 4/12 production again includes  
11 records written to, by, or referencing Todd Beyers, Chris Jensen, Christine DeVere, and Wendy  
12 Robbins, among other witnesses in this matter. The 4/12 production includes, for example, Mr.  
13 Beyers "witness statement," another "attachment" to the report of investigation report for Ms.  
14 DeVere's retaliation complaint that Defendant failed to provide when it produced the report 10  
15 weeks earlier. It also includes records of an investigation into whether President Armijo  
16 violated EEO or other applicable laws when he hired Chris Jensen for the Director of MSA's  
17 Employee Concerns Program without posting or advertising the position.

18 11. Three days later, on Saturday, April 15, 2017, Defendant served by email an  
19 additional 1,555 pages of "supplemental production," along with a cover letter stating that  
20 "[t]hese documents are being produced in response to the Court's March 28, 2017 Order on the  
21 Motion for Reconsideration." **Exhibit 7** is a true and accurate copy of the letter that  
22 accompanied the 4/15 production. Nevertheless, a sampling of the documents reveals that the  
23 4/15 production again includes records of complaints and investigations involving allegations  
24 of harassment/hostile work environment and retaliation. The 4/15 production also includes  
25 records written to, by, or referencing Todd Beyers, Chris Jensen, Christine DeVere, and Wendy  
Robbins, among other witnesses in this matter. One of the retaliation investigation files

1 included in the 4/15 production includes, for example, a key comparator document, showing  
2 that Todd Beyers—the V.P. who gave Plaintiff Julie Atwood notice of her termination—issued  
3 a male manager a two-week suspension after “several occasions [the male was] shown to be  
4 unethical in [his] behavior regarding a lack of discretion with sensitive business information  
5 and [to] have intentionally made [him]self a conduit of information to negatively affect not  
6 only individual MSA employees but MSA as a viable contractor....”

7       12. On April 17, 2017—more than ten weeks after Judge Runge’s Order, and on the  
8 same date that the parties were filing their joint Trial Management Report and respective Trial  
9 Briefs —Defendants produced 126 pages of documents related to Ms. Fowler’s complaints and  
10 allegations of gender discrimination and/or retaliation by MSA’s in-house counsel, Stanley  
11 Bensussen, one of MSA’s attorneys in this action, as well as top executives, Frank Armijo and  
12 Dave Ruscitto. **Exhibit 8** is a true and accurate copy of the letter that accompanied the 4/17  
13 production. The 4/17 production includes records showing that in March 2015, Fowler emailed  
14 Todd Beyers, the V.P. of Human Resources, claiming that another MSA executive, Stan  
15 Bensussen (counsel for MSA in this litigation), “used derogatory and/or demeaning  
16 characterization or language toward me. He called or implied that Frank [Armijo] and Dave  
17 [Ruscitto] thought I was ‘a man-hater’, and made a statement, ‘... if he was I, I should kiss the  
18 ground that Frank and Dave walked on...’. I find them very misogynistic, demeaning, gender-  
19 biased, etc.” The documents also reveal that Mr. Beyers, the V.P. of Human Resources, failed  
20 to adequately address Fowler’s complaint of “gender-bias” when reported to him in March  
21 2015; as Mr. Beyers in May 2015 was himself interviewed regarding his so-called  
22 “investigation” and follow-up on Fowler’s report to him. The newly disclosed documents show  
23 that Fowler also went to MSA’s Presidents Frank Armijo and Bill Johnson complaining of  
24 discriminatory treatment in January and May 2015, respectively.

25       13. The 126 pages of investigation into Fowler’s complaint just produced include,  
among other things: copies of the questions investigators prepared for interviewing 8 witnesses

1 (including two Vice Presidents); the handwritten notes from 10 witness interviews (which  
2 included two interviews each for Ms. Fowler and Mr. Bensussen); typed summaries from each  
3 witness interview; notes of the investigator’s phone call with President Bill Johnson; two  
4 timelines developed by investigators; emails copied to the file as evidence in the investigation;  
5 and several pages of findings and conclusions that formed MSA’s Investigative Summary  
6 Report. The records also reveal that in Mr. Bensussen’s interview, he told the investigators that  
7 Ms. Fowler “started saying things to [him] about gender-bias in the Company, particularly  
8 about Frank [Armijo] and Dave [Ruscitto]. She had used an acronym of ‘FOF’ meaning  
9 ‘friends of Frank’. These comments continued unabated.” There is no evidence in the records  
10 produced that Bensussen acted on Fowler’s complaints of gender-bias against Armijo and  
11 Ruscitto—executives involved in the termination of Plaintiff Julie Atwood. See Def.’s Answer  
12 to Interrogatory No. 9, Sub # 185 (Sheridan Dec., 3/23/17), Ex. 2. Another witness interviewed  
13 in the May 2015 investigation into Ms. Fowler’s complaints reported that President Armijo and  
14 his Chief Operating Officer, Mr. Ruscitto, are known as “the *Big Boys Club*.” This witness was  
15 not previously identified, and as a result she has not been interviewed or deposed by Plaintiff.

16 14. MSA’s attorney in this matter, Denise Ashbaugh, appeared on behalf of MSA to  
17 defend against Ms. Fowler’s claims of discrimination, beginning in October 2015, when she  
18 responded to Ms. Fowler’s demand letter, and her engagement in the matter continued through  
19 June 2016, when Ms. Ashbaugh wrote the EEOC on behalf of MSA in response to Ms.  
20 Fowler’s formal Charge of Discrimination. *See* Sub # 234 (Ashbaugh Dec., ¶ 4); Sub #233  
21 (Mot.) at 11:1-5.

22 15. On April 20, 2017, three days after the Fowler investigative files were produced,  
23 and more than two months after Plaintiff originally filed the motion for contempt and sanctions  
24 seeking, in part, the continuation of Todd Beyers’ deposition, Defendant’s counsel sent  
25 Plaintiff an unsolicited email, stating:

DECLARATION OF MARK W. ROSE IN  
SUPPORT OF PLAINTIFF’S MOTION FOR  
SANCTIONS - 6

THE SHERIDAN LAW FIRM, P.S.  
Attorneys at Law  
Hoge Building, Suite 1200  
705 Second Avenue  
Seattle, WA 98104  
Tel: 206-381-5949 Fax: 206-447-9206

1 With the move in trial date and **noting some of Plaintiff's stated concerns**, MSA is to  
 2 work with Plaintiff on continuing Mr. Beyers' deposition at a mutually convenient date  
 3 and time. In doing so, MSA is not waiving any arguments or positions in Court or in  
 any way admitting to any wrongdoing.

4 **Exhibit 9** is a true and accurate copy of the email from defense counsel.

5 16. Since the February 24, 2017 deadline for completing discovery, MSA produced  
 6 nearly 6,500 pages of "supplemental production." This chart accurately summarizes the waves  
 7 of supplemental production of documents that MSA has produced over the past three months.

Date	Bates-Range and Notable Documents Produced	Total Pages Produced
2/2/17	MSA_ATWOOD007072-7208 (includes 13 pages of records to DeVere retaliation complaint produced)	137 pages
2/3/17	<i>Judge Runge's Order Compelling Response to Plaintiff's Discovery Requests "Without Further Delay"</i>	
2/8/17	MSA_ATWOOD007209-7224	16 pages
2/14/17	MSA_ATWOOD007225-7255	31 pages
2/17/17	MSA_ATWOOD007256-8393	1,138 pages
2/23/17	MSA_ATWOOD008394-8449 (includes 33 pages of email regarding Sandra Fowler's complaint)	56 pages
2/24/17	MSA_ATWOOD008450-9981	1,532 pages
3/10/17	MSA_ATWOOD009982 – 10101 (with exception of two pages, relates entirely to Christine DeVere, including her Statement in the investigation of her retaliation complaint and notes of other witness interviews and reports from the investigation of the H.R. Department)	120 pages
3/29/17	MSA_ATWOOD010102 - 010699	598 pages
4/12/17	MSA_ATWOOD010700-013234  (Includes Todd Beyers Statement in the investigation of Christine DeVere's retaliation complaint)	2,535 pages

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DECLARATION OF MARK W. ROSE IN  
 SUPPORT OF PLAINTIFF'S MOTION FOR  
 SANCTIONS - 7

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1	4/15/17	MSA_ATWOOD013235-14789	1,555 pages
2	4/17/17	MSA_ATWOOD014790-14915 (relate entirely to the investigation of complaints by Sandra Fowler)	126 pages
3	<b>Total Number of Pages Produced Since Discovery Cut-off on 2/24/17</b>		6,466 pages

6 17. **Exhibit 10** is a true and accurate copy of excerpts from the deposition of Jon  
7 Peschong.

8 18. **Exhibit 11** is a true and accurate copy of excerpts from the deposition of Ben  
9 Lindholm.

10 19. Under the 1st Amended Civil Case Schedule Order, the deadline for Defendant's  
11 Disclosure of Lay and Expert Witnesses, which for experts requires "[a] summary of the  
12 expert's opinions and the basis therefor," was September 26, 2016. Sub #42; LCR  
13 4(h)(1)(C)(iii). **Exhibit 12** is a true and accurate copy of the "supplemental" disclosure of lay  
14 and expert witnesses Defendant served on February 1, 2017, which identified John Fontaine, a  
15 vocational counselor retained to "provide expert testimony regarding the Plaintiffs failure to  
16 adequately mitigate her damages and the reasonable amount of time it should have taken for to  
17 find alternate employment." No report or other information was included with the disclosure  
18 other than Mr. Fontaine's resume and list of cases in which he has testified.

19 20. On March 23, 2017, Defendant served a second "supplemental" disclosure,  
20 which provided the following information:

21 Mr. Fontaine will provide expert testimony regarding Plaintiffs failure to  
22 adequately mitigate her damages and the reasonable amount of time it should  
23 have taken for her to find alternate employment. Mr. Fontaine will opine that  
24 given Plaintiffs experience, she should have been able to find new employment in  
25 her field of work within three to six months following the end of her MSA  
employment. He will testify regarding jobs that are currently available for which  
Plaintiff is qualified. He will also testify that Plaintiffs job search to date is  
inadequate and does not represent a reasonable job search, given Plaintiffs field of  
work and level of experience. Mr. Fontaine will further testify regarding what a



1 reasonable job search for Plaintiff would entail given her experience and field of  
2 work. A copy of Mr. Fontaine's resume was previously provided.

3 **Exhibit 13** is a true and accurate copy of this second “supplemental” expert witness disclosure.

4 21. On April 17, 2017, Defendant’s counsel provided its “correspondence with  
5 expert John Fontaine, as well as documents provided to him over the course of the litigation.”

6 These records were responsive to Plaintiff’s request for production No. 162, seeking “all  
7 documents which any expert or potential expert has consulted or reviewed as a result or in  
8 preparation of this litigation,” which Defendant answered two months earlier on February 13,  
9 2017. **Exhibit 14** is a true and accurate copy of that discovery answer.

10  
11 I declare under penalty of perjury under the laws of the State of Washington that the  
12 foregoing is true and correct to the best of my knowledge.

13 DATED this 2<sup>nd</sup> day of May, 2017.

14   
15 \_\_\_\_\_  
16 Mark W. Rose, WSBA # 41916

**CERTIFICATE OF SERVICE**

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

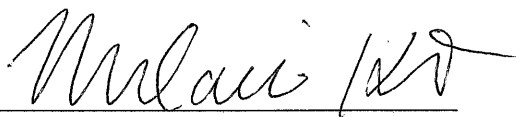
Denise L. Ashbaugh  
Cristin Kent Aragon  
YARMUTH WILSDON PLLC  
1420 Fifth Avenue, Suite 1400  
Seattle WA 98101  
dashbaugh@yarmuth.com  
caragon@yarmuth.com

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

Stanley J. Bensussen  
Mission Support Alliance, LLC  
22490 Garlick Boulevard  
Richland, WA 99352  
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- By United States Mail
- By Legal Messenger
- By Facsimile
- By Overnight Fed Ex Delivery
- By Electronic Mail

*Attorneys for Defendants*

  
\_\_\_\_\_  
Melanie Kent  
Legal Assistant

# EXHIBIT 1

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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

**PLAINTIFF’S THIRD SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

TO: MISSION SUPPORT ALLIANCE, LLC AND ITS ATTORNEYS OF  
RECORD:

You are served with Plaintiff’s Third Set of Interrogatories and Requests for Production of Documents to Mission Support Alliance, LLC. Pursuant to CR 26, CR 33 and CR 34, Plaintiff requests that Defendant Mission Support Alliance, LLC (“Defendant” and/or “MSA”) answer fully within thirty (30) days of the date of service.

a. You are on notice that you must preserve all electronic data. *See Zubulake v. UBS Warburg LLC*, 220 F.R.D. 212 (S.D.N.Y. 2003) and *Zubulake v. UBS Warburg LLC*, 229 F.R.D. 422 (S.D.N.Y. 2003). This means you must retain all relevant evidence, suspend any routine document destruction policy, put a litigation hold on such documents, and communicate the need for document preservation to all employees.

PLAINTIFF’S THIRD SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO DEFENDANT MISSION  
SUPPORT ALLIANCE, LLC - 1

THE SHERIDAN LAW FIRM, P.S.  
Attorneys at Law  
Hoge Building, Suite 1200  
705 Second Avenue  
Seattle, WA 98104  
Tel: 206-381-5949 Fax: 206-447-9206

1           b.       In answering these interrogatories and requests for production, please furnish  
2 such information and documents as are available to you, regardless of the source of the  
3 information and documents, whether the information and documents are obtained directly by  
4 you, through your agents or representatives or by your accountants or attorneys.

5           c.       If these interrogatories and requests for production are not or cannot be  
6 answered in full, please answer to the extent possible, specify the reason(s) for your inability to  
7 answer the remainder, and state whatever information or knowledge you have concerning the  
8 unanswered portions.

9           d.       These interrogatories and requests for production shall be deemed continuing  
10 pursuant to CR 26 and any local rule, and supplemental answers and responses are required if  
11 you obtain, directly or indirectly, further information of the nature sought herein between the  
12 time answers and responses are served and the time of trial. You are hereby notified that an  
13 order will be sought at trial barring the admission of any evidence responsive to any request for  
14 production, which you have failed to disclose.

15           e.       If you claim any privilege (either alone or in conjunction with any other  
16 objection(s)) with respect to any document responsive to a request for production, or for any  
17 other reason, describe such document by date, type (e.g., memorandum, letter, chart, etc.), title,  
18 author, addresses, copyee, their titles or capacity, indicating those who are attorneys or who  
19 acted as such with respect to the subject of the documents, general subject matter and claimed  
20 ground for non-production, and state in whose possession or custody such document rests.

21 Please submit a privilege log along with your response.

22           f.       If any document requested herein was at one time in existence, but has been lost,  
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25

1 discarded or destroyed, identify such document as completely as possible, providing as much of  
2 the following information as possible: the type of document, its date, the date or approximate  
3 date it was lost, discarded or destroyed, the circumstances and manner in which it was lost,  
4 discarded or destroyed, the reason or reasons for disposing of the document (if discarded or  
5 destroyed), the identify of all persons authorizing or having knowledge of the circumstances  
6 surrounding the disposal of the document, the identity of all persons who lost, discarded or  
7 destroyed the document and, the identity of all persons having knowledge of the contents  
8 hereof.

9  
10 g. Identify the Bates Stamp Number associated with each document produced.

11 **DEFINITIONS**

12  
13 “Access” means to view data, retrieve data, copy data, modify data, create data, or  
14 delete data on a computer.

15 “Adverse employment action” means an action (including intimidation, threats,  
16 restraint, coercion or similar action) taken by you against an employee with respect to the  
17 employee's compensation, terms, conditions or privileges of employment, including, but not  
18 limited to, any performance evaluation that documents alleged poor performance, denial of  
19 promotion, demotion, transfer, termination, change of job titles, change of job assignments,  
20 denial of training, denial of benefits, denial of overtime, denial of counseling, discipline (as  
21 defined herein), forced retirement, and any other adverse action recognized under the law.

22 “Answer” means defendants’ most recent answer that has been filed with the Court in  
23 this matter.

24 “Applicant” means a person or employee who has applied for a position at Mission  
25 Support Alliance, LLC.

1 “Assert”, “asserted” or “assertion” means to communicate to a third person orally or in  
2 writing.

3 “Classification” means the process of determining how to best classify a particular job  
4 for the purposes of title and pay and the final outcome of that process.

5 “Communication” “communicated” or “communicate” means the transmission or  
6 transfer of information of any kind, orally, in writing, or in any other manner, at any time or  
7 place, and under any circumstances whatsoever, including, without limitation, telephone  
8 conversations, letters, memoranda, notes, e-mails, text messages, summaries, telexes,  
9 photographs, motion pictures, audio tapes, video tapes, computer telecommunications,  
10 electronic or magnetic media, or other materials or memorials of communication, meetings or  
11 any occasion of joint or mutual presence, as well as the transfer of any document from one  
12 person to another. When a request for production seeks communications between two or more  
13 parties, this definition includes communications on which either or both parties are copied (cc:)  
14 even if the communication is sent from or to another person or persons.

15 “Complaint” means plaintiffs’ most recent Complaint on file with the court in this  
16 matter.

17 “Custodian” refers to any “person” having possession, custody or control of the subject  
18 referred to.

19 “Data” when used in this document, the term “data” means information and is equivalent  
20 to the term “electronic data” as defined herein under “document.”

21 “Describe” has the same meaning as “State.”

22 “Discipline” means any progressive discipline regarding a current or former S Mission  
23 Support Alliance, LLC employee that recommends or imposes some level of progressive  
24 discipline including, but not limited to, a verbal warning, a letter of expectations, letter of  
25 reprimand, letter documenting a verbal warning, letter of written warning, suspension,

1 termination, or other form of progressive discipline.

2 “Discovery request” means interrogatories and requests for production.

3 “Document” should be interpreted in the broadest possible manner and includes any  
4 written, graphic, printed, typed, photocopied, photographic, electronic, magnetic, laser,  
5 recorded or tangible matter of any kind or character, or any video and/or audio recorded  
6 material, however produced or reproduced, whether prepared by you or otherwise, including all  
7 papers, books, records, transcripts, drafts, contracts, diaries, calendars, desk pads, minutes, lists  
8 of attendees, brochures, pamphlets, advertisements, circulars, press releases, correspondence,  
9 telephone records, communications, telegrams, teletypes, memoranda, notes, studies, work  
10 papers, summaries, analyses, reports, notebooks, manuals, guidelines, rules, instructions,  
11 operating procedures, drawings, blueprints, mylars, models, graphs, charts, maps, films,  
12 videotapes, photographs, electronic data storage materials, email, tapes, diskettes, digitally  
13 recorded information, lists, minutes, and entries in books of account, bills and invoices and also  
14 including every copy of a document that is not identical to the original (whether because of  
15 notes made on or attached to such copy or otherwise). The term Document also includes any  
16 electronically stored data on magnetic or optical storage media as an “active” file or files  
17 (readily readable by one or more computer applications or forensics software); any “deleted”  
18 but recoverable electronic files on said media; any electronic file fragments (files that have  
19 been deleted and partially overwritten with new data); and slack (data fragments stored  
20 randomly from random access memory on a hard drive during the normal operation of a  
21 computer or residual data left on the hard drive after new data has overwritten some but not all  
22 of previously stored data).

23 “Employee” or “employees” means past and present employees of Mission Support  
24 Alliance, LLC.

25 “Employment” means the hiring process (including but not limited to application for



1 employment, interviewing, testing, evaluation or comparison of the applicant with other  
2 applicants), promotion, applications for promotion (including but not limited to interviewing,  
3 testing, evaluation or comparison of the applicant with other applicants), employee  
4 performance, discipline, testing, training, and termination.

5 “Employee discrimination claim” means any verbal or written allegation of  
6 discrimination, retaliation, harassment, or facts that may be construed as an allegation of  
7 discrimination, retaliation, harassment, made by any Mission Support Alliance, LLC employee  
8 and/or former employee to the EEOC, the State Human Rights Commission, Defendant’s EEO  
9 office, or to any Defendant’s supervisor, manager, director, or other person authorized to  
10 receive such allegations.

11 “EEO office” means Defendant and its employees, who are or were assigned to  
12 investigate and/or respond to inquiries related to or relevant to discrimination, retaliation, and  
13 other equal employment opportunity related issues and their managers and subordinates. This  
14 includes persons hired by you to perform tasks associated with the EEO office.

15 “Human Resources” means the Mission Support Alliance, LLC and its personnel  
16 including, but not limited to, contractors hired by you to perform services for the Human  
17 Resources organization.

18 “Identify,” “identification,” “state the identity of,” “the identity of” or describe means:

19 (1) when applied to an individual person, to state the full name, employee  
20 identification number, social security number, present or last known home and business  
21 addresses, position and occupation held, race, gender, age, and home and business telephone  
22 numbers of the person, whether the person is a manager under CR 43, **and by reference to**  
23 **each paragraph in the complaint, state the relevant knowledge held by that person.**

24 (2) when applied to a document, state the exact title, serial or identifying  
25 number(s) (if any), date, author(s), signer(s), intended recipient(s), actual recipient(s),

1 addressee(s) and present custodian(s) of the document or, alternatively, to produce for  
2 inspection and copying the document itself provided that you reference the interrogatory to  
3 which the document is responsive;

4 (3) when applied to an oral communication, state the speaker(s), the  
5 person(s) addressed by the speaker, the person(s) in attendance (in person or by electronic  
6 means), during the communication, the date, the place and medium of the communication(s)  
7 such as by telephone, in person, etc., **and state in detail the content of the communication(s)**.

8 (4) when applied to a fact or allegation, means to set out every aspect of  
9 every fact known to you that refer or relate in any way to the matter inquired about.

10 “Including” means including without limitation.

11 “Location” means the physical place where a document was kept; if it was kept  
12 electronically, the computer or computers it was kept on; if it was kept as a paper file, the desk,  
13 storage cabinet in which it was kept.

14 This “matter” means the allegations contained in plaintiffs’ complaint.

15 “Mistreat”, “mistreated”, or “mistreatment” means to treat with disrespect, or in a  
16 hostile, dismissive, or abusive manner, and includes assertions of discrimination, retaliation,  
17 and hostile work environment.

18 “Other EEO claim” means any verbal or written complaint by any of your employees to  
19 the EEOC or State Human Rights Commission.

20 “Person” includes individuals, corporations, partnerships, groups, associations,  
21 businesses and governmental agencies, and may include employees.

22 “Personnel action” means any action related to performance evaluations, promotion,  
23 demotion, transfer, termination, job titles, job assignments, training, benefits, overtime, out of  
24 class assignments, counseling, discipline (as defined herein), retirement, and/or letters of  
25 recommendation.

1           “Personnel file” means all documents related to or relevant to the employment of the  
2 employee including records of job application, hire, performance, promotion, demotion,  
3 transfer, termination, job titles, job assignments, training, licenses, education (high school,  
4 college, post-graduate), awards, detailed payroll data, benefits (e.g., vacation, sick leave, merit  
5 leave, housing payments and reimbursements, compensatory time), overtime amounts worked  
6 in hours and pay by pay period and annually, out of class work showing hours worked and pay  
7 by pay period and annually, discipline, counseling, qualifications, retirement, supervisor files,  
8 training files, letters of recommendation, applications to transfer to a different job or  
9 organization inside or outside your company and associated transfer documents (including, but  
10 not limited to, supervisor and manager endorsements), race, gender, ethnicity, age, sexual  
11 preference, religion, marital status, records of criminal convictions, and any other documents  
12 considered by you to be a part of an employee personnel file, but excluding medical and FMLA  
13 information.

14           “Personnel-related” means information related to the employee including job  
15 application, recommendations, interview, performance, promotion, demotion, transfer,  
16 termination, job titles, job assignments, training, licenses, education (high school, college, post-  
17 graduate), awards, detailed payroll data, benefits (e.g., vacation, sick leave, merit leave,  
18 housing payments and reimbursements, compensatory time), overtime worked in hours and  
19 pay, out of class assignments worked in hours and pay, discipline, counseling, qualifications,  
20 retirement, supervisor files, training files, letters of recommendation, applications to transfer to  
21 a different job or organization inside or outside your company and associated transfer  
22 documents (including, but not limited to, supervisor and manager endorsements), race, gender,  
23 ethnicity, age, sexual preference, religion, records of criminal convictions, or any other  
24 information considered by you to be personnel-related, but excluding medical and FMLA  
25 information.

1 “Pertains” means its usual dictionary definition.

2 “Pseudonym” means its usual dictionary definition.

3 “Record” means to set down in writing or in some other permanent form such as a tape  
4 or digital recording; to make a record.

5 “Relevant time period” shall mean **February 10, 2010** through the date of trial. If a  
6 specific request does not contain a specific time period, the time period shall be the relevant  
7 time period defined herein.

8 “Retaliation” or “retaliate” means to do any of the following to an employee:

- 9
- 10 ▪ Firing or laying off
  - 11 ▪ Blacklisting
  - 12 ▪ Demoting
  - 13 ▪ Denying overtime or promotion
  - 14 ▪ Disciplining
  - 15 ▪ Denial of benefits
  - 16 ▪ Failure to hire or rehire
  - 17 ▪ Intimidation
  - 18 ▪ Making threats
  - 19 ▪ Reassignment affecting prospects for promotion
  - 20 ▪ Reducing pay or hours

21 “State,” “state in detail,” “describe,” “describe in detail” or “description,” mean to set  
22 out every aspect of every fact known to you that refer or relate in any way to the matter  
23 inquired about.

24 “Supervisor file” means a file maintained by a supervisor concerning an employee.

25 “Tabulation” means a chart, graph, or other organization of data.

“Temporarily” or “temporary” means not permanent.

“Terminate” “terminating,” or “terminated” means to end employment.

“W-2” means the designated annual wage and tax statement as completed by the  
defendant for official use with the Department of the Treasury, Internal Revenue Service in  
accordance with obtaining the services of any of its employees (as that term is used on the form

1 itself).

2 “You,” “your”, and “Defendant”, includes Mission Support Alliance, LLC, MSA, its  
3 assigns, agents and representatives, including attorneys and investigators.

4 These definitions apply whether or not the defined word or phrase is capitalized and  
5 whether or not the defined word or phrase is used in a singular or plural form. Any undefined  
6 term should be given its usual dictionary definition.

7 **OBJECTIONS**

8 If you object to answering any interrogatory or request for production, in whole or in  
9 part, state your objection and the factual or legal reasons supporting it. If you object on  
10 grounds of privilege, please also state the nature and extent of all allegedly privileged matters  
11 in sufficient detail to allow Plaintiff to evaluate the claim of privilege and, if necessary, to seek  
12 an order compelling disclosure of the information or document in question. State the date,  
13 author(s), addresses, persons receiving copies of, and the general subject matter of each  
14 document withheld under a claim of privilege and/or work product. If you claim any such  
15 privilege, you should nevertheless answer or respond to the interrogatory or request for  
16 production to the extent that it calls for information as to which you do not claim a privilege.

17 **INTERROGATORIES**

18 **INTERROGATORY NO. 15:** Please identify every complaint made against  
19 Steve Young, for any reason, by any individual, employee, or former employee of the  
20 Department of Energy, during the relevant time period herein. Please include in your answer  
21 the following:

- 22 (a) The identity of each individual who made the complaint;  
23 (b) The nature of the nature and substance of the complaint,  
24 (c) Whether the complaint was written, oral, electronic, or otherwise;

- 1 (d) Whether an investigation was conducted and, if so, was the allegation  
2 substantiated?  
3 (e) The identity of each individual who investigated the complaint;  
4 (f) The outcome of the complaint;  
5 (g) The discipline imposed on Steve Young, if any; and  
6 (h) The identity of all documents regarding or pertaining to the decision.  
7

8 **ANSWER:**

9  
10 **INTERROGATORY NO. 16:** Please identify all outside investigators and/or  
11 EEO investigators who have investigated and/or examined any complaints filed against MSA  
12 during the relevant time period herein. In your answer, please also state:

- 13 (a) The identity of each individual who has investigated and/or examined any  
14 investigation made against MSA;  
15 (b) The nature of the nature and substance of the complaint,  
16 (c) Whether the complaint was written, oral, electronic, or otherwise;  
17 (d) The investigator's findings or conclusions, if any;  
18 (e) The investigator's final recommendation, if any; and  
19 (f) The identity of all documents regarding or pertaining to the decision.  
20

21 **ANSWER:**

22  
23 **INTERROGATORY NO. 17:** Please identify every complaint made against  
24 MSA, for any reason, by any individual, employee, or former employee of the Department of  
25 Energy, during the relevant time period herein.

- 1 (a) The identity of each individual who made the complaint;
- 2 (b) The nature of the nature and substance of the complaint,
- 3 (c) Whether the complaint was written, oral, electronic, or otherwise;
- 4 (d) Whether an investigation was conducted and, if so, was the allegation
- 5 substantiated?
- 6 (e) The identity of each individual who investigated the complaint;
- 7 (f) The outcome of the complaint;
- 8 (g) The discipline imposed on Steve Young, if any; and
- 9 (h) The identity of all documents regarding or pertaining to the decision.
- 10

11 **ANSWER:**

12

13 **INTERROGATORY NO. 18:** Please identify and describe every provision of

14 MSA's financial reward/"bonus program", including the bonus program description, the criteria

15 used to determine the monetary reward, percentage or monetary breakdown of how said bonus

16 money was distributed.

17 **ANSWER:**

18

19 **INTERROGATORY NO. 19:** Please identify and describe all communications

20 between MSA, including its representatives, and OFCCP. Please include in your answer the

21 names and titles of all persons contacted and their contact information.

22 **ANSWER:**

23

24 **INTERROGATORY NO. 20:** Please identify the person or persons answering

25 these interrogatories including anyone who contributed information used in answering these

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PLAINTIFF'S THIRD SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO DEFENDANT MISSION  
SUPPORT ALLIANCE, LLC - 12

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THE SHERIDAN LAW FIRM, P.S.  
Attorneys at Law  
Hoge Building, Suite 1200  
705 Second Avenue  
Seattle, WA 98104  
Tel: 206-381-5949 Fax: 206-447-9206

1 interrogatories. If more than one individual provided the answers or contributed any information  
2 used in answering these interrogatories, identify the specific interrogatory answered by each  
3 person and the information provided.

4 **ANSWER:**

5  
6 **INTERROGATORY NO. 21:** For each request for production, please state the  
7 Bates-stamp number of the documents which are intended to be responsive to the request for  
8 production.

9 **ANSWER:**

10  
11 **FORMAT OF PRODUCTION**

12  
13 Please produce all electronically-stored information in text-searchable portable  
14 document format (PDF). Please do not produce hard copies or static formats for responsive  
15 ESI. Please preserve all relevant ESI in native format during the pendency of this lawsuit. For  
16 documents sourced from hard copy records, Plaintiff requests that they be produced as text-  
17 searchable PDF files.

18 *In your response, identify the Bates Stamp Numbers associated with each*  
19 *document produced.*

20 **REQUESTS FOR PRODUCTION**

21 If you claim any privilege (either alone or in conjunction with any other objection(s))  
22 with respect to any document responsive to a request for production, or any part thereof, please  
23 identify the type of privilege which is claimed, state the basis for the claim of privilege, identify  
24 the document as to which the privilege is claimed state the subject matter thereof, the author  
25 and recipient. *Please submit a privilege log along with your response.*

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PLAINTIFF'S THIRD SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO DEFENDANT MISSION  
SUPPORT ALLIANCE, LLC - 13

THE SHERIDAN LAW FIRM, P.S.  
Attorneys at Law  
Hoge Building, Suite 1200  
705 Second Avenue  
Seattle, WA 98104  
Tel: 206-381-5949 Fax: 206-447-9206



1 If any document requested herein was at one time in existence, but has been lost,  
2 discarded or destroyed, identify such document as completely as possible, providing as much of  
3 the following information as possible: the type of document, its date, the date or approximate  
4 date it was lost, discarded or destroyed, the circumstances and manner in which it was lost,  
5 discarded or destroyed, the reason or reasons for disposing of the document (if discarded or  
6 destroyed), the identify of all persons authorizing or having knowledge of the circumstances  
7 surrounding the disposal of the document, the identity of all persons who lost, discarded or  
8 destroyed the document and, the identity of all persons having knowledge of the contents  
9 hereof.

10 **In your response, identify the Bates Stamp Numbers associated with each**  
11 **document produced. Please produce all responsive documents in searchable**  
12 **PDF format.**

13  
14 **REQUEST FOR PRODUCTION NO. 93:** Please produce all documents  
15 identified in your response, or relied upon to formulate your response to Interrogatory Number  
16 15.

17 **RESPONSE:**

18  
19 **REQUEST FOR PRODUCTION NO. 94:** Please produce all documents identified in  
20 your response, or relied upon to formulate your response to Interrogatory Number 16.

21 **RESPONSE:**

22  
23 **REQUEST FOR PRODUCTION NO. 95:** Please produce all documents identified in  
24 your response, or relied upon to formulate your response to Interrogatory Number 17.

25 **RESPONSE:**

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2           **REQUEST FOR PRODUCTION NO. 96:** Please produce all documents identified in  
3 your response, or relied upon to formulate your response to Interrogatory Number 18.

4           **RESPONSE:**

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6           **REQUEST FOR PRODUCTION NO. 97:** Please produce all documents identified in  
7 your response, or relied upon to formulate your response to Interrogatory Number 19.

8           **RESPONSE:**

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10           **REQUEST FOR PRODUCTION NO. 98:** Please produce all documents identified in  
11 your response, or relied upon to formulate your response to Interrogatory Number 20.

12           **RESPONSE**

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14           **REQUEST FOR PRODUCTION NO. 99:** Please produce all documents identified in  
15 your response, or relied upon to formulate your response to Interrogatory Number 20.

16           **RESPONSE:**

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18           **REQUEST FOR PRODUCTION NO. 100:**           Please produce all documents that  
19 record or are meant to be a record of any meetings, communications, or conversations  
20 (including, but not limited to, all emails, text messages, correspondence, internal memos and  
21 notes) between Steve Young and HR Kadi Bence relating to Julie Atwood.

22           **RESPONSE:**

23  
24           **REQUEST FOR PRODUCTION NO. 101:**           Please produce all documents that  
25 record or are meant to be a record of any meetings, communications, or conversations

1 (including, but not limited to, all emails, text messages, correspondence, internal memos and  
2 notes) between Steve Young and Jon Peschong relating to Julie Atwood.

3 **RESPONSE:**

4  
5 **REQUEST FOR PRODUCTION NO. 102:** Please produce all documents  
6 relating to the email from Kadi Bence to Steve Young, dated August 27, 2013 re EMPLOYEE  
7 ISSUE (MSA\_ATWOOD 3520), including the “Expectations” memo referenced in the email.

8 **RESPONSE:**

9  
10 **REQUEST FOR PRODUCTION NO. 103:** Please produce all documents  
11 relating to any employee who has been terminated and/or forced to resign due to “time issues,”  
12 including time fraud.

13 **RESPONSE**

14  
15 **REQUEST FOR PRODUCTION NO. 104:** Please produce all documents  
16 (emails and/or texts) received and/or sent by Steve Young pursuant to his policy requesting that  
17 he be advised when an employee leaves the workplace during normal work hours during the  
18 relevant time period herein. *See* MSA\_ATWOOD003534.

19 **RESPONSE:**

20  
21 **REQUEST FOR PRODUCTION NO. 105:** Please produce all documents  
22 relating to any complaints about MSA employees that the DOE has forwarded to MSA for  
23 investigation during the relevant time period herein.

24 **RESPONSE:**

1           **REQUEST FOR PRODUCTION NO. 106:**           Please produce all documents  
2 relating to the “backup information on this individual and issue” as requested by HR Cindy  
3 Protsman in her email to Steve Young on September 3, 2013.

4           **RESPONSE:**

6           **REQUEST FOR PRODUCTION NO. 107:**           Please produce the statement that  
7 Steve Young states will be “forthcoming” to MSA. *See* MSA\_ATWOOD004101.

8           **RESPONSE:**

10          **REQUEST FOR PRODUCTION NO. 108:**           Please produce all documents  
11 relating Plaintiff’s job responsibilities that were delegated to other employees following Ms.  
12 Atwood’s employment termination.

13          **RESPONSE:**

15          **REQUEST FOR PRODUCTION NO. 109:**           Please produce the personnel file  
16 for Plaintiff’s predecessor.

17          **RESPONSE:**

19          **REQUEST FOR PRODUCTION NO. 110:**           Please produce all documents  
20 relating to any “periodic assessments” of time compliance, as referenced in Morris Legler’s  
21 12/12/12 email (MSA\_ATWOOD004058).

22          **RESPONSE:**

24          **REQUEST FOR PRODUCTION NO. 111:**           Please produce all documents that  
25 you received from the EEOC relating to Plaintiff.

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**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 112:** Please produce all DOE Employee Concern(s) from January 1, 2010 through the present.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 113:** Please produce all anonymous Employee Concern(s) that mention and/or refer to Julie Atwood received from January 1, 2010 through the present.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 114:** Please produce all anonymous Employee Concern(s) that mention and/or refer to Mr. Peschong.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 115:** Please produce all anonymous Employee Concern(s) that mention and/or refer to Steve Young.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 116:** Please produce all travel arrangements and travel made by Mr. Young from date of hire with MSA to current date. Include names and contact information of persons who made arrangements and dates and times of those arrangements.

**RESPONSE:**



1 STATE OF WASHINGTON )  
2 COUNTY OF \_\_\_\_\_ ) ss.

3 \_\_\_\_\_, being first duly sworn on oath, deposes and says:

4 That, on behalf of Defendant Mission Support Alliance, states that she/he has read the  
5 foregoing Answers to Plaintiff's Third Set of Interrogatories and Requests for Production of  
6 Documents to Mission Support Alliance, LLC, knows the contents thereof, that the same is true  
7 of her/his own knowledge, except as to matters therein stated to be alleged upon information  
and belief, and as to those matters, he believes it to be true.

8 I declare under penalty of perjury under the laws of the State of Washington and the  
9 United States that the foregoing is true and correct to the best of my knowledge.

10 Dated this \_\_\_\_\_ day \_\_\_\_\_, 2016.

11 \_\_\_\_\_  
12 Name:  
13 Title:

14  
15 **ATTORNEY CR 26 CERTIFICATION**

16 The undersigned attorney for the Defendant Mission Support Alliance has read the  
17 foregoing Answers to Plaintiffs' Third Set of Interrogatories and Requests for Production of  
18 Documents to Defendant Mission Support Alliance, LLC and they are in compliance with CR  
19 26.

20 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

21  
22 By: \_\_\_\_\_  
23 \_\_\_\_\_, WSBA # \_\_\_\_\_  
24 Attorney for the Mission Support Alliance,  
25 LLC

PLAINTIFF'S THIRD SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO DEFENDANT MISSION  
SUPPORT ALLIANCE, LLC - 20

THE SHERIDAN LAW FIRM, P.S.  
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**CERTIFICATE OF SERVICE**

I, Ashalee May, certify under penalty of perjury under the laws of the State of Washington that on July 18<sup>th</sup>, 2016 I served the document to which this Certificate is attached to the party listed below in the manner shown.

Denise L. Ashbaugh  
Cristin Kent Aragon  
YARMUTH WILSDON PLLC  
818 Stewart Street, Suite 1400  
Seattle WA 98101  
[dashbaugh@yarmuth.com](mailto:dashbaugh@yarmuth.com)  
[caragon@yarmuth.com](mailto:caragon@yarmuth.com)

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


*Attorneys for Defendant*

Dated this 18<sup>th</sup> July, 2016.

- s/Ashalee May  
Paralegal



# EXHIBIT 2

**From:** Charles Prutting cprutting@yarmuth.com   
**Subject:** MSA/Atwood: MSA's Supp. Production of Documents

**Date:** February 17, 2017 at 10:40 AM

**To:** Jack Sheridan jack@sheridanlawfirm.com, Mark Rose mark@sheridanlawfirm.com, Melanie Kent Melanie@sheridanlawfirm.com, Ashalee May ashalee@sheridanlawfirm.com

**Cc:** Denise L. Ashbaugh dashbaugh@yarmuth.com, Cristin Kent Aragon caragon@yarmuth.com, Suzette Barber sbarber@yarmuth.com

CP

Dear counsel,

Please find below a link to a zip file containing MSA's supplemental production of confidential documents and their associated database files. The bates range for this production is MSA\_ATWOOD007256 to MSA\_ATWOOD008393. Please let us know if you encounter any difficulties accessing these documents.

<https://yarmuth.sharefile.com/d-s77219c315c749d1b>

regards,

Charles F. Prutting  
Senior Paralegal

 **YARMUTH WILSDON PLLC**  
1420 FIFTH AVENUE, STE 1400 SEATTLE, WA 98101  
T 206.516.3800 F 206.516.3888  
D 206.516.3876  
[www.yarmuth.com](http://www.yarmuth.com)

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# EXHIBIT 3

**From:** Charles Prutting cprutting@yarmuth.com  
**Subject:** MSA/Atwood: MSA's Supplemental Production of Documents  
**Date:** February 24, 2017 at 4:50 PM  
**To:** Jack Sheridan jack@sheridanlawfirm.com, Mark Rose mark@sheridanlawfirm.com, Melanie Kent Melanie@sheridanlawfirm.com, Ashalee May ashalee@sheridanlawfirm.com  
**Cc:** Denise L. Ashbaugh dashbaugh@yarmuth.com, Cristin Kent Aragon caragon@yarmuth.com, Suzette Barber sbarber@yarmuth.com

---



Dear Counsel,

Below is a link to a zip file containing MSA's supplemental production of documents and their associated database files. The bates range for these documents is MSA\_ATWOOD008450 to MSA\_ATWOOD009981. Please let us know if you encounter any problems accessing these documents.

<https://yarmuth.sharefile.com/d-s551ea15a8134bcea>

regards,

Charles F. Prutting  
Senior Paralegal

 **YARMUTH WILSDON PLLC**  
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# EXHIBIT 4

**From:** Charles Prutting cprutting@yarmuth.com  
**Subject:** MSA/Atwood: Mission Support Alliance's supplemental document production  
**Date:** March 10, 2017 at 9:09 AM  
**To:** Jack Sheridan jack@sheridanlawfirm.com, Mark Rose mark@sheridanlawfirm.com, Melanie Kent Melanie@sheridanlawfirm.com, Ashalee May ashalee@sheridanlawfirm.com  
**Cc:** Denise L. Ashbaugh dashbaugh@yarmuth.com, Cristin Kent Aragon caragon@yarmuth.com, Suzette Barber sbarber@yarmuth.com

---


Dear Counsel,

Please find below a link to a zip file containing MSA's supplemental production of documents and their associated database files. The bates range for these documents is MSA\_ATWOOD009982 to MSA\_ATWOOD010101. Please contact us if you encounter any difficulties accessing these documents.

<https://yarmuth.sharefile.com/d-s72a127d32d342589>

Regards

Charles F. Prutting  
Senior Paralegal

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# EXHIBIT 5

**From:** Charles Prutting cprutting@yarmuth.com 

**Subject:** Atwood v MSA: MSA's Supplemental Production of Documents

**Date:** March 29, 2017 at 1:40 PM

**To:** Jack Sheridan jack@sheridanlawfirm.com, Mark Rose mark@sheridanlawfirm.com, Melanie Kent Melanie@sheridanlawfirm.com, Ashalee May ashalee@sheridanlawfirm.com

**Cc:** Denise L. Ashbaugh dashbaugh@yarmuth.com, Cristin Kent Aragon caragon@yarmuth.com, Suzette Barber sbarber@yarmuth.com

CP


Dear counsel,

Please find below a link to a zip file containing MSA's supplemental production of documents and associated database files. These documents are bates numbered MSA\_ATWOOD010102 - 010699 and are marked confidential. Please let us know if you encounter any difficulties accessing these documents.

<https://yarmuth.sharefile.com/d-s34ab6c52bb04bbe9>

Regards,

Charles F. Prutting  
Senior Paralegal

 **YARMUTH WILSDON PLLC**  
1420 FIFTH AVENUE, STE 1400 SEATTLE, WA 98101  
T 206.516.3800 F 206.516.3888  
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# EXHIBIT 6



**From:** Charles Prutting cprutting@yarmuth.com  
**Subject:** Atwood v. MSA: Supplemental production of documents  
**Date:** April 12, 2017 at 1:44 PM  
**To:** Jack Sheridan jack@sheridanlawfirm.com, Mark Rose mark@sheridanlawfirm.com, Melanie Kent Melanie@sheridanlawfirm.com, Ashalee May ashalee@sheridanlawfirm.com  
**Cc:** Denise L. Ashbaugh dashbaugh@yarmuth.com, Cristin Kent Aragon caragon@yarmuth.com, Suzette Barber sbarber@yarmuth.com

---

Dear Counsel,

Please find below a link to a zip file containing Mission Support Alliance's supplemental production of documents. The bates number range for these documents is MSA\_ATWOOD010700-013234. Please let us know if you encounter difficulties accessing these documents.

<https://yarmuth.sharefile.com/d-se03b4738e4e441aa>

regards,

Charles F. Prutting  
Senior Paralegal

 **YARMUTH WILSDON PLLC**  
1420 FIFTH AVENUE, STE 1400 SEATTLE, WA 98101  
T 206.516.3800 F 206.516.3888  
D 206.516.3876  
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# EXHIBIT 7

**From:** Charles Prutting cprutting@yarmuth.com  
**Subject:** Atwood v MSA: MSA's Supplemental production of documents  
**Date:** April 15, 2017 at 10:40 AM  
**To:** Jack Sheridan jack@sheridanlawfirm.com, Mark Rose mark@sheridanlawfirm.com, Melanie Kent Melanie@sheridanlawfirm.com, Ashalee May ashalee@sheridanlawfirm.com  
**Cc:** Denise L. Ashbaugh dashbaugh@yarmuth.com, Cristin Kent Aragon caragon@yarmuth.com, Suzette Barber sbarber@yarmuth.com



Counsel,

Please find below a link to a zip file containing MSA's supplemental production of documents and their associated database load files. These documents are being produced in response to the Court's March 28, 2017 Order on the Motion for Reconsideration. These 18 Employee Concerns files are marked confidential and bates numbered MSA\_ATWOOD013235 – 014789. Please let us know if you encounter any difficulties accessing these documents.

<https://yarmuth.sharefile.com/d-sad212aaabf144a18>

Charles F. Prutting  
Senior Paralegal

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# EXHIBIT 8

**From:** Charles Prutting cprutting@yarmuth.com  
**Subject:** Atwood v MSA: Supplemental production of MSA document  
**Date:** April 17, 2017 at 11:42 AM  
**To:** Jack Sheridan jack@sheridanlawfirm.com, Mark Rose mark@sheridanlawfirm.com, Melanie Kent Melanie@sheridanlawfirm.com, Ashalee May ashalee@sheridanlawfirm.com  
**Cc:** Denise L. Ashbaugh dashbaugh@yarmuth.com, Cristin Kent Aragon caragon@yarmuth.com, Suzette Barber sbarber@yarmuth.com

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Counsel,

Please find below a link to a zip file containing an MSA supplemental production. This document is marked confidential and bates numbered MSA\_ATWOOD014790-14915. Please let us know if you encounter any difficulties accessing this document.

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regards,

Charles F. Prutting  
Senior Paralegal

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# EXHIBIT 9

**From:** Denise L. Ashbaugh dashbaugh@yarmuth.com

**Subject:** Atwood v. MSA

**Date:** April 20, 2017 at 11:04 AM

**To:** jack@sheridanlawfirm.com, mark@sheridanlawfirm.com, Melanie Kent (Melanie@sheridanlawfirm.com)  
Melanie@sheridanlawfirm.com

**Cc:** Cristin Kent Aragon caragon@yarmuth.com, Charles Prutting cprutting@yarmuth.com, Suzette Barber sbarber@yarmuth.com,  
Bensussen, Stanley J (Stanley\_J\_Bensussen@rl.gov) Stanley\_J\_Bensussen@rl.gov

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Jack:

With the move in trial date and noting some of Plaintiff's stated concerns, MSA is willing to work with Plaintiff on continuing Mr. Beyers' deposition at a mutually convenient date and time. In doing so, MSA is not waiving any arguments or positions in Court or in any way admitting to any wrongdoing.

Denise