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SUPERIOR COURT OF WASHINGTON FOR BENTON COUNTY

JULIE M. ATWOOD,

Plaintiff,

v.

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

Defendants.

No. 15-2-01914-4

DECLARATION OF DENISE L.
ASHBAUGH IN SUPPORT OF
MISSION SUPPORT ALLIANCE'S
MOTION FOR SHORTENED TIME
AND MOTION TO QUASH

I, Denise L. Ashbaugh, declare as follows:

1. I am an attorney with Yarmuth Wilsdon PLLC and represent Defendants Mission Support Alliance, LLC ("MSA") and Steve Young in the above-captioned matter. I am over the age of 18 and am otherwise competent to testify. If called upon to testify on the matters herein, I would do so consistently with this declaration.

2. On Thursday, January 26, 2017 at 4:52 pm, Plaintiff served on Defendants' counsel a Notice of Deposition for MSA's former general counsel, Sandra Fowler. A true and correct copy of the email and attached Notice of Deposition is attached hereto as **Exhibit 1**. Plaintiff did not, despite the Court rules requiring it, provide Defendants' counsel with the subpoena that she allegedly served on Ms. Fowler.

3. On Saturday, January 28, 2017, I emailed Plaintiff's counsel noting that MSA would moving for a protective order (as it did not know a subpoena had been served),

1 asked counsel for a meet-and-confer, and asked that counsel agree to stay the deposition
2 until the Court had time to hear the motion. A true and correct copy of my January 28,
3 2017 email to Plaintiff's counsel is attached hereto as **Exhibit 2**.

4 4. Plaintiff's counsel did not respond to my email until I asked again for a
5 meet-and-confer on Monday, January 30, 2017. A true and correct copy of Plaintiff's
6 counsel's January 30, 2017 email is attached hereto as **Exhibit 3**. Also on Monday,
7 January 30, 2017, MSA learned not from Plaintiff, but instead from Ms. Fowler that a
8 subpoena was served asking not just for a deposition but also for the production of
9 documents. The subpoena requested the following category of documents:

- 10 1. Any and all documents of any nature pertaining to any and
11 all claims made by you against Mission Support Alliance,
12 LLC or any individual manager of MSA, including but not
13 limited to, all documents filed with any agency or any court,
14 emails, correspondence, and notes. This request is intended
15 to also include all documents pertaining to any settlement of
16 any claims by you against MSA or its managers.
- 17 2. Any and all documents pertaining to, or mentioning, Julie
18 M. Atwood.

19 A true and correct copy of the subpoena received from Ms. Fowler is attached hereto as
20 **Exhibit 4**. The subpoena noted a different time for the deposition than the Notice of
21 Deposition that was served on Defendants' counsel.

22 5. I noted the time discrepancy to Plaintiff's counsel and Plaintiff served an
23 amended notice of deposition and amended subpoena (for the first time) on Defendants on
24 Monday, January 30, 2017 at 10:59 a.m. A true and correct copy of the January 30, 2017
25 email with attachments is attached hereto as **Exhibit 5**.

26 6. I had a meet-and-confer with Plaintiff's counsel at 3:30 pm later that day.
During the meet and confer, I discussed MSA's concerns surrounding attorney-client
privilege into discussions with MSA's former General Counsel regarding matters pertaining
to Ms. Atwood. I noted that the only time that Ms. Fowler would have been made aware of
facts surrounding Ms. Atwood would have been in her role as General Counsel where she

1 was advised as counsel for the company or where someone was seeking legal advice
2 regarding specific matters. As such, all knowledge that Ms. Fowler would have about Ms.
3 Atwood would be attorney-client privilege. I also noted that any claims by Ms. Fowler
4 against MSA, who voluntarily left MSA over two years after Ms. Atwood's employment
5 ended, was nothing more than a fishing expedition designed to harass MSA. It was
6 discussed that the subpoena therefore presented not only issues that could disclose attorney-
7 client privilege and/or work product (in both categories of documents and deposition
8 questions), it was also not calculated to lead to the discovery of admissible evidence. I
9 therefore asked that Plaintiff stay the deposition until the Court had time to hear its motion
10 to quash on a regular briefing schedule. In doing so, I noted that two weeks remained in the
11 discovery period and offered to extend the discovery cutoff for the witness by a few days, if
12 the Court were to allow the deposition to proceed forward. Plaintiff's counsel, without
13 noting any scheduling issues, refused to agree to stay the deposition.

14 7. On Tuesday, January 31, 2017, I emailed Ms. Fowler regarding MSA's
15 position and notified her that despite her already having spoken with Plaintiff and/or
16 counsel for Plaintiff, that MSA maintained its attorney-client privilege for all
17 communications with her as General Counsel for the company, despite her no longer being
18 employed there. I also informed Ms. Fowler that MSA would be moving to quash the
19 deposition, or alternatively if the Court permitted the deposition, whether there were other
20 dates from February 13-March 1 that she would be available.

21 8. On February 1, 2017, Ms. Fowler responded that she had spoken the prior
22 day to Plaintiff's counsel who asked specifically about her claim against MSA, and asked if
23 she would consider a declaration instead of a deposition. Ms. Fowler also indicated that she
24 would be available on Friday, February 17, 2017 at 10:30 am or March 3, 2017 at 10:30 am
25 if the deposition needed be moved to allow the Court to rule on MSA's motion to quash.
26

1 9. The same day she served the complaint, Plaintiff served MSA with her First
2 Set of Interrogatories and Requests for Production of Documents. Those discovery requests
3 sought extensive information and documents. MSA provided responses to the First
4 Discovery Requests on October 30, 2015, and continued to supplement its production over
5 the next few months as responsive documents were located.

6 10. On March 24, 2016, Plaintiff served her Second Set of Interrogatories and
7 Requests for Production of Documents on MSA. Again, MSA provided responses to the
8 discovery in a timely manner.

9 11. On July 18, 2016, Plaintiff served her Third Set of Interrogatories and
10 Requests for Production of Documents on MSA. MSA provided responses on August 31,
11 2016.

12 12. On August 31, 2016, Plaintiff served her First Interrogatories and Requests
13 for Production of Documents to Young. Young provided responses on September 30, 2016.

14 13. Only when Plaintiff's discovery requests reached 89 interrogatories and 229
15 requests for production of documents did Defendants seek a protective order for abuse of
16 discovery. Despite this request, it has produced extensive and detailed answers to the
17 matters related to Ms. Atwood's allegations.

18 14. As of the date of this motion, Plaintiff has chosen to take Defendant Young,
19 Cindy Protsman and Wendy Robbins (one two separate occasions) depositions. Plaintiff
20 has noted the deposition of six (6) other fact witnesses in this matter to occur on February
21 6-7, 2017. Included within these depositions are the two individuals who were present
22 during the last day of Ms. Atwood's employment. While one, Steve Cherry, was MSA's in-
23 house counsel during that period of time, Defendants recognize that he will be able to
24 provide factual information not protected by the attorney-client privilege due to his being
25 present during that last day and interacting with Plaintiff. As such, all *factual* discovery is
26 available to Plaintiff for this case without having to depose its former General Counsel.

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

3 Dated: February 1, 2017 at Seattle, Washington.

4 
5 Denise L. Ashbaugh

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CERTIFICATE OF SERVICE

I hereby certify that on this date I served true and correct copies of the foregoing document upon the following, at the addresses stated below, via the method of service indicated:

John P. "Jack" Sheridan
The Sheridan Law Firm, P.S.
Hoge Building, Suite 1200
705 Second Avenue
Seattle, WA 98104
jack@sheridanlawfirm.com
mark@sheridanlawfirm.com
ashalee@sheridanlawfirm.com
Melanie@sheridaylawfirm.com

- Via Email
- Via Federal Express
- Via Hand Delivery
- Via U.S. Mail

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

Dated: February , 21017 at Seattle, Washington.



Suzette Barber

EXHIBIT 1

Denise L. Ashbaugh

From: Melanie Kent <Melanie@sheridanlawfirm.com>
Sent: Thursday, January 26, 2017 4:52 PM
To: Cristin Kent Aragon; Denise L. Ashbaugh; Charles Prutting; Suzette Barber
Cc: Jack Sheridan; Ashalee May; Mark Rose
Subject: Atwood v. MSA
Attachments: 012617 ATWOOD - Notice of Deposition of Sandra Fowler.pdf

Counsel,

Please see the attached Notice of Deposition of Sandra Fowler.

Thank you,

Melanie Kent
Legal Assistant
The Sheridan Law Firm, P.S.
705 Second Avenue, Suite 1200
Seattle, WA 98104
Tel: (206) 381-5949

The Honorable Alexander C. Ekstrom

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

**NOTICE OF DEPOSITION OF SANDRA
FOWLER**

TO: DEFENDANTS, and their attorneys, Denise L. Ashbaugh, Cristin Kent Aragon and Stanley J. Bensussen.

Please take notice that the videotaped deposition of Sandra Fowler will be taken on oral examination by stenographic means before a qualified Notary Public for the State of Washington, at the offices of Bridges Reporting & Legal Video, 1030 North Center Parkway, Kennewick, WA 99336, 509-735-2400, commencing on **February 10, 2017, at 10:00 a.m.**

This oral examination will be subject to continuance or adjournment from time to time or place to place until completed.

NOTICE OF DEPOSITION OF SANDRA
FOWLER - 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 Dated this 26th day of January, 2017.

2 THE SHERIDAN LAW FIRM, P.S.

3
4 By: John P. Sheridan
5 John P. Sheridan, WSBA # 21473
6 705 Second Avenue, Suite 1200
7 Seattle, WA 98104

8 *Attorneys for Plaintiff*
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1 CERTIFICATE OF SERVICE

2 I, Melanie Kent, certify under penalty of perjury under the laws of the State of
3 Washington that on January 26, 2017, I served the document to which this Certificate is attached
4 to the party listed below in the manner shown.

5 Denise L. Ashbaugh By United States Mail
6 Cristin Kent Aragon By Legal Messenger
7 YARMUTH WILSDON PLLC By Facsimile
8 818 Stewart Street, Suite 1400 By Overnight Fed Ex Delivery
9 Seattle WA 98101 By Electronic Mail
dashbaugh@yarmuth.com
caragon@yarmuth.com

10 Stanley J. Bensussen By United States Mail
11 Mission Support Alliance, LLC By Legal Messenger
12 22490 Garlick Boulevard By Facsimile
13 Richland, WA 99352 By Overnight Fed Ex Delivery
Stanley_J_Bensussen@rl.gov By Electronic Mail

14 *Attorneys for Defendants*

15 Dated this 26th day of January, 2017.

16 s/Melanie Kent
17 Melanie Kent, Legal Assistant

EXHIBIT 2

Denise L. Ashbaugh


From: Denise L. Ashbaugh
Sent: Saturday, January 28, 2017 3:07 PM
To: jack@sheridanlawfirm.com
Cc: Cristin Kent Aragon (caragon@yarmuth.com); Charles Prutting; Bensussen, Stanley J (Stanley_J_Bensussen@rl.gov); mark@sheridanlawfirm.com; ashalee@sheridanlawfirm.com; Melanie Kent (Melanie@sheridanlawfirm.com)
Subject: Meet and Confer

Jack:

Please let me know if you are available for a meet and confer regarding the Notice of Deposition of Sandra Fowler. MSA will be moving for a protective order, on shortened time if there is no agreement to move any proposed deposition. Also, we have not received any subpoena to Ms. Fowler, so please confirm none was done. I can do tomorrow morning or Monday at 3:30 pm.

Thank you.
Denise

Denise L. Ashbaugh

 **YARMUTH WILSDON** PLLC
1420 FIFTH AVE, STE 1400 SEATTLE, WA 98101
T 206.516.3800 F 206.516.3888
D 206.516.3897
www.yarmuth.com

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EXHIBIT 3

Denise L. Ashbaugh

From: Jack Sheridan <jack@sheridanlawfirm.com>
Sent: Monday, January 30, 2017 9:40 AM
To: Denise L. Ashbaugh
Cc: Cristin Kent Aragon; Charles Prutting; Bensussen, Stanley J (Stanley_J_Bensussen@rl.gov); Mark Rose; Ashalee May; Melanie Kent
Subject: Re: Meet and Confer

Denise,
I'm under the weather today, but I can meet and confer from my cell phone at 3:30. I'll look into your statement that the deposition notice is different than the subpoena. Thanks.
Jack

Jack Sheridan
jack@sheridanlawfirm.com

On Jan 30, 2017, at 9:25 AM, Denise L. Ashbaugh <dashbaugh@yarmuth.com> wrote:

Jack:

I learned this morning that in fact, inconsistent with the court rules (CR 45(b)(2) and 5(b)) you sent a subpoena to Ms. Fowler without providing the subpoena to us. As of this morning, we still have not received any such document from your office. Instead, all we were served with was a Notice of Deposition – which has a different time noted than the subpoena. I am certain you are aware of the problem with this practice, especially when you are seeking information of former General Counsel of the Defendant – of which your requests seek attorney-client privilege. As noted in my email two days ago (to which you still have not responded), we will be moving for a protective order (and now for a motion to quash) on this topic. Please confirm you are available for a meet and confer call this afternoon at 3:30. Also confirm that you will place the deposition on stay pending the court's ruling – otherwise we will move for shortened time, and note that we had not been properly served with the subpoena.

Denise

From: Denise L. Ashbaugh
Sent: Saturday, January 28, 2017 3:07 PM
To: jack@sheridanlawfirm.com
Cc: Cristin Kent Aragon (caragon@yarmuth.com) <caragon@yarmuth.com>; Charles Prutting <cprutting@yarmuth.com>; Bensussen, Stanley J (Stanley_J_Bensussen@rl.gov) <Stanley_J_Bensussen@rl.gov>; mark@sheridanlawfirm.com; ashalee@sheridanlawfirm.com; Melanie Kent (Melanie@sheridanlawfirm.com) <Melanie@sheridanlawfirm.com>
Subject: Meet and Confer

Jack:

Please let me know if you are available for a meet and confer regarding the Notice of Deposition of Sandra Fowler. MSA will be moving for a protective order, on shortened time if there is no agreement to move any proposed deposition. Also, we have not received any subpoena to Ms. Fowler, so please confirm none was done. I can do tomorrow morning or Monday at 3:30 pm.

Thank you.
Denise

Denise L. Ashbaugh

<image001.gif>

1420 FIFTH AVE, STE 1400 SEATTLE, WA 98101

T 206.516.3800 F 206.516.3888

D 206.516.3897

www.yarmuth.com

CONFIDENTIALITY NOTICE: This e-mail and any attachments may contain privileged or other confidential information generated by Yarmuth Wilsdon PLLC. If you are not the intended recipient, please do not read or review this e-mail or its attachments. Please also notify the sender of your receipt of this e-mail and delete all copies of the e-mail and its attachments from your system. Thank you.

EXHIBIT 4

Denise L. Ashbaugh

From: Bensussen, Stanley J <Stanley_J_Bensussen@rl.gov>
Sent: Monday, January 30, 2017 7:53 AM
To: Denise L. Ashbaugh; Cristin Kent Aragon
Cc: Beller, Mark A
Subject: FW: Atwood v MSA - Subpoena duces tecum
Attachments: Atwood v MSA Subpoena duces tecum.pdf

Importance: High

FYI.

Stan Bensussen
Chief Counsel
Mission Support Alliance

Telephone: 509-372-3800
Cell: 509-205-9293

The information contained in this email may be privileged, confidential and protected from disclosure under the attorney-client privilege or work product doctrine. If this message contains legal advice, please limit dissemination in order to preserve its privileged and confidential nature. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

From: Thielen, Sherry A
Sent: Monday, January 30, 2017 7:23 AM
To: Bensussen, Stanley J <Stanley_J_Bensussen@rl.gov>
Cc: Beller, Mark A <Mark_A_Beller@rl.gov>
Subject: FW: Atwood v MSA - Subpoena duces tecum
Importance: High

Stan,

I received this from Sandra this morning.

Sherry

From: Fowler, Sandra [mailto:sbfowler@Bechtel.com]
Sent: Monday, January 30, 2017 6:56 AM
To: Thielen, Sherry A <Sherry_A_Thielen@rl.gov>
Subject: Re: Atwood v MSA - Subpoena duces tecum

Sherry,

Please have MSA CEO/Legal Counsel prepare or respond to this subpoena as I do not have MSA records on anything related to Ms. Atwood.

I have not been employed with MSA since August 2015.

V/t,

Sandra

Senior Counsel, NS&E
Bechtel National Inc.
2435 Stevens Building, MS 14-3A
Richland, WA 99352
(509) 371-2252



Issued by the
SUPERIOR COURT FOR THE STATE OF WASHINGTON
BENTON COUNTY

JULIE M. ATWOOD,

Plaintiff,

SUBPOENA DUCES TECUM

vs.

Case No: 15-2-01914-4 SEA

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

Defendants.

TO: Sandra Fowler

YOU ARE COMMANDED to appear in the Superior Court of the State of Washington at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the deposition in the above case.

PLACE OF DEPOSITION Bridges Reporting & Legal Video 1030 North Center Parkway Kennewick, WA 99336	DATE AND TIME
	February 10, 2017 at 10:30 p.m.
	METHOD OF RECORDING Court Reporter

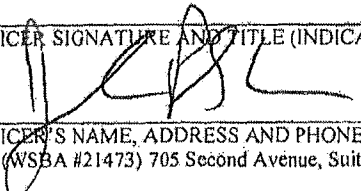
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or tangible things at the place, date, and time specified below (list documents or objects).

See "Attachment A"

PLACE Bridges Reporting & Legal Video 1030 North Center Parkway Kennewick, WA 99336	DATE AND TIME
	February 10, 2017 at 10:30 p.m.
	METHOD OF RECORDING

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorney for Plaintiff	DATE January 26, 2017
--	--------------------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Jack Sheridan (WSBA #21473) 705 Second Avenue, Suite 1200, Seattle, WA 98104 (206) 381-5949

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the State of Washington that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE/PLACE

SIGNATURE OF SERVER

ADDRESS OF SERVER

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce and all other parties, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (i) fails to allow reasonable time for compliance;
- (ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden, provided that, the court may condition denial of the motion upon a requirement that the subpoenaing

party advance the reasonable cost of producing the books, papers, documents, or tangible things.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Attachment A

“Document” should be interpreted in the broadest possible manner and includes any written, graphic, printed, typed, photocopied, photographic, electronic, magnetic, laser, recorded or tangible matter of any kind or character, or any video and/or audio recorded material, however produced or reproduced, whether prepared by you or otherwise, including all papers, books, records, transcripts, drafts, contracts, diaries, calendars, desk pads, minutes, lists of attendees, brochures, pamphlets, advertisements, circulars, press releases, correspondence, telephone records, communications, telegrams, teletypes, memoranda, notes, studies, work papers, summaries, analyses, reports, notebooks, manuals, guidelines, rules, instructions, operating procedures, drawings, blueprints, mylars, models, graphs, charts, maps, films, videotapes, photographs, electronic data storage materials, email, tapes, diskettes, digitally recorded information, lists, minutes, and entries in books of account, bills and invoices and also including every copy of a document that is not identical to the original (whether because of notes made on or attached to such copy or otherwise).

1. Any and all documents of any nature pertaining to any and all claims made by you against Mission Support Alliance, LLC, or any individual manager of MSA including, but not limited to, all documents filed with any agency or any court, emails, correspondence, and notes. This request is intended to also include all documents pertaining to the settlement of any claims by you against MSA or its managers.
2. Any and all documents pertaining to, or mentioning, Julie M. Atwood.

EXHIBIT 5

Denise L. Ashbaugh

From: Melanie Kent <Melanie@sheridanlawfirm.com>
Sent: Monday, January 30, 2017 10:59 AM
To: Cristin Kent Aragon; Denise L. Ashbaugh; Charles Prutting; Suzette Barber; Stanley_J_Bensussen@rl.gov
Cc: Jack Sheridan; Ashalee May; Mark Rose
Subject: Atwood v. MSA
Attachments: 013017 ATWOOD - First Amended Notice of Deposition of Sandra Fowler.pdf; 013017 ATWOOD - Amended Sandra Fowler Subpoena.pdf

Counsel,

Please see the attached First Amended Notice of Deposition of Sandra Fowler, along with the amended subpoena.

Thank you,

Melanie Kent
Legal Assistant
The Sheridan Law Firm, P.S.
705 Second Avenue, Suite 1200
Seattle, WA 98104
Tel: (206) 381-5949

The Honorable Alexander C. Ekstrom

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

**NOTICE OF DEPOSITION OF SANDRA
FOWLER**

TO: DEFENDANTS, and their attorneys, Denise L. Ashbaugh, Cristin Kent Aragon and Stanley J. Bensussen.

Please take notice that the videotaped deposition of Sandra Fowler will be taken on oral examination by stenographic means before a qualified Notary Public for the State of Washington, at the offices of Bridges Reporting & Legal Video, 1030 North Center Parkway, Kennewick, WA 99336, 509-735-2400, commencing on **February 10, 2017, at 10:30 a.m.**

This oral examination will be subject to continuance or adjournment from time to time or place to place until completed.

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Dated this 30th day of January, 2017.

THE SHERIDAN LAW FIRM, P.S.

By: John P. Sheridan
John P. Sheridan, WSBA # 21473
705 Second Avenue, Suite 1200
Seattle, WA 98104

Attorneys for Plaintiff

1 CERTIFICATE OF SERVICE

2 I, Melanie Kent, certify under penalty of perjury under the laws of the State of
3 Washington that on January 30, 2017, I served the document to which this Certificate is attached
4 to the party listed below in the manner shown.

5 Denise L. Ashbaugh By United States Mail
6 Cristin Kent Aragon By Legal Messenger
7 YARMUTH WILSDON PLLC By Facsimile
8 818 Stewart Street, Suite 1400 By Overnight Fed Ex Delivery
9 Seattle WA 98101 By Electronic Mail
dashbaugh@yarmuth.com
caragon@yarmuth.com

10 Stanley J. Bensussen By United States Mail
11 Mission Support Alliance, LLC By Legal Messenger
12 22490 Garlick Boulevard By Facsimile
13 Richland, WA 99352 By Overnight Fed Ex Delivery
Stanley_J_Bensussen@rl.gov By Electronic Mail

14 *Attorneys for Defendants*

15 Dated this 30th day of January, 2017.

16 *s/Melanie Kent*
17 Melanie Kent, Legal Assistant

Issued by the
**SUPERIOR COURT FOR THE STATE OF WASHINGTON
BENTON COUNTY**

JULIE M. ATWOOD,

Plaintiff,

SUBPOENA DUCES TECUM

vs.

Case No: 15-2-01914-4 SEA

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

Defendants.

TO: Sandra Fowler

YOU ARE COMMANDED to appear in the Superior Court of the State of Washington at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the deposition in the above case.

PLACE OF DEPOSITION Bridges Reporting & Legal Video 1030 North Center Parkway Kennewick, WA 99336	DATE AND TIME February 10, 2017 at 10:30 a.m.
	METHOD OF RECORDING Court Reporter

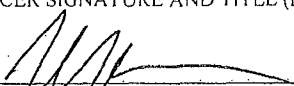
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or tangible things at the place, date, and time specified below (list documents or objects).

See "Attachment A"

PLACE Bridges Reporting & Legal Video 1030 North Center Parkway Kennewick, WA 99336	DATE AND TIME February 10, 2017 at 10:30 a.m.
	METHOD OF RECORDING

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorney for Plaintiff	DATE January 30, 2017
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Mark Rose (WSBA #41916) 705 Second Avenue, Suite 1200, Seattle, WA 98104 (206) 381-5949

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the State of Washington that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE/PLACE

SIGNATURE OF SERVER

ADDRESS OF SERVER

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce and all other parties, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:
(i) fails to allow reasonable time for compliance;
(ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
(iv) subjects a person to undue burden, provided that, the court may condition denial of the motion upon a requirement that the subpoenaing

party advance the reasonable cost of producing the books, papers, documents, or tangible things.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Attachment A

“Document” should be interpreted in the broadest possible manner and includes any written, graphic, printed, typed, photocopied, photographic, electronic, magnetic, laser, recorded or tangible matter of any kind or character, or any video and/or audio recorded material, however produced or reproduced, whether prepared by you or otherwise, including all papers, books, records, transcripts, drafts, contracts, diaries, calendars, desk pads, minutes, lists of attendees, brochures, pamphlets, advertisements, circulars, press releases, correspondence, telephone records, communications, telegrams, teletypes, memoranda, notes, studies, work papers, summaries, analyses, reports, notebooks, manuals, guidelines, rules, instructions, operating procedures, drawings, blueprints, mylars, models, graphs, charts, maps, films, videotapes, photographs, electronic data storage materials, email, tapes, diskettes, digitally recorded information, lists, minutes, and entries in books of account, bills and invoices and also including every copy of a document that is not identical to the original (whether because of notes made on or attached to such copy or otherwise).

1. Any and all documents of any nature pertaining to any and all claims made by you against Mission Support Alliance, LLC, or any individual manager of MSA including, but not limited to, all documents filed with any agency or any court, emails, correspondence, and notes. This request is intended to also include all documents pertaining to the settlement of any claims by you against MSA or its managers.
2. Any and all documents pertaining to, or mentioning, Julie M. Atwood.