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7 **IN THE SUPERIOR COURT**  
8 **OF THE STATE OF WASHINGTON FOR SNOHOMISH COUNTY**

9 LORI K. BATIOI ,

10 Plaintiff,

11 v.

12 CITY OF BRIER, a Washington city,

13 Defendant.

Case No. 09 2 01822 5

PLAINTIFF'S FIRST  
INTERROGATORIES AND  
REQUESTS FOR PRODUCTION TO  
DEFENDANT

14  
15 **TO: City of Brier, Defendant; and**

16 **TO: Elizabeth McIntyre, its attorney.**

17  
18 You are hereby served with the original interrogatories. In accordance with Civil  
19 Rule 33, please answer the interrogatories, under oath, within thirty (30) days of service.

20 Type the answers in the spaces provided, adding pages if additional space is required.

21 Return the original to this office. These answers are to include all information known to  
22 you, your attorneys and investigators. These interrogatories are continuing in nature, and  
23 you are requested to provide any information that at a later date alters or augments the  
24 answers now given.

25 **PLAINTIFF'S FIRST INTERROGATORIES AND  
REQUESTS FOR PRODUCTION TO DEFENDANT  
PAGE 1 OF 23**

**SCOTT, KINNEY, FJELSTAD & MACK**  
600 UNIVERSITY, SUITE 1928  
SEATTLE, WA 98101-4178  
TEL: (206) 622-2200  
FAX: (206) 622-9671

1 You are also served with requests for production. In accordance with Civil Rule 34  
2 you are requested to produce the documents or things requested and/or your response, at the  
3 offices of Scott, Kinney, Fjelstad & Mack, 600 University St., Ste. 1928, Seattle, WA,  
4 98101, within thirty (30) days of service of the request for production upon you. Supplying  
5 legible copies to the undersigned will satisfy this request. This request is to include all  
6 documents or things requested which are in the possession, custody or control of you, your  
7 attorneys, agents, investigators or insurers.

8 If documents or things requested later come into the possession, custody or control  
9 of the aforesaid, please file your response within thirty (30) days of that date.

10 **PRIVILEGE**

11 If you claim any privilege with respect to any information call for by an  
12 interrogatory or any part thereof, identify the type of privilege which is claimed, state the  
13 basis for the claim of privilege, identify the communication, document or other item as to  
14 which privilege is claimed, and state the subject matter thereof. If you claim any such  
15 privilege, you should nevertheless answer or respond to the interrogatory to the extent that it  
16 calls for information as to which you do not claim any privilege.

17 **DEFINITIONS**

18 "You" or "your" means any Defendant named or otherwise identified in Plaintiff's  
19 Complaint, and all present and former attorneys, agents, employees, representatives or other  
20 persons who possess or have obtained information for or on behalf of the Defendants.

21 When used in these interrogatories, the term "document" is to be broadly construed.  
22 It has its ordinary meaning, but also includes any book, pamphlet, periodical, letter, report,  
23 photograph, index, tape, minutes, contract, lease, invoice, record of purchase or sale,  
24

1 conversations or conferences, information of any kind stored in a computer file, or any and  
2 all other written, printed, typed, taped, punched, filmed, or graphic matter however produced  
3 or reproduced.

4 The term “identify” when used in reference to any individual person means to state  
5 his or her full name and present or last known work and home addresses and telephone  
6 numbers, and his or her present position and business affiliation, if known.

7 “Identify” when used in reference to any document means to identify the author  
8 (and, if different, the signer or signers), the type of document (for example, letter,  
9 memorandum, training records, telegram, report, etc.), and any other means of identifying it  
10 with sufficient particularity to meet the requirements for its inclusion in a request for  
11 production pursuant to the Civil Rules, and its present or last known location or custodian.  
12 If any such document was but no longer is in your possession or subject to your control,  
13 state what disposition was made of it and the reasons for such disposition.  
14

15 “Identify” when used in reference to an entity such as a corporation, partnership,  
16 firm, business, organization, club, etc., means to state the formal name of the entity; any  
17 other names under which it is known or conducts business; the name and address of the  
18 registered agent, if any; identify all owners, principals, partners, officers, members of boards  
19 of directors, executives, and any other managing and/or speaking agents of the entity; state  
20 the legal form of the entity and its State(s) of residence, domicile, and incorporation, if  
21 applicable; state the dates of existence of said entity and for all entities not currently in  
22 existence, state the disposition of assets and liabilities and identify and successor  
23 corporation; and state the physical location and address of any headquarters and any  
24 manufacturing facility, and any sales facility within the State of Washington.  
25

1 INTERROGATORY NO. 1: Please identify all individuals who participated in responding  
2 to these discovery requests, setting forth which interrogatories each person assisted in  
3 answering.

4 ANSWER:

- 5 1. Elizabeth A. McIntyre  
6 Law, Lyman, Daniel, Kamerrer & Bogdanovic  
7 P.O. Box 11880  
8 Olympia, WA 98508-1880  
9 (360) 754-3480

10 Ms. McIntyre is attorney for Brier, and assisted in compiling responses to all  
11 interrogatories.

- 12 2. Paula Swisher  
13 City Clerk/Treasurer  
14 City of Brier  
15 2901 228th ST SW, Brier WA 98036  
16 (425) 775-5440

17 Ms. Swisher reviewed all responses and worked with Ms. McIntyre in compiling in  
18 verifying these responses, particularly those related to payroll information and  
19 records.

- 20 3. Chief Donald Lane  
21 Chief of Police  
22 City of Brier  
23 2901 228th ST SW, Brier WA 98036  
24 (425) 775-5440

25 Chief Lane is the Police Chief who reviewed all responses and worked with Ms.  
McIntyre in compiling and verifying these responses, particularly those related to  
departmental issues and complaints within the department.

26 INTERROGATORY NO. 2: Please state whether insurance coverage is available for  
27 satisfaction of all, or some part of, any judgment which might be rendered in this matter, or  
28 to indemnify or reimburse Defendant for any payments made to satisfy judgment in  
29 Plaintiff's favor, or for any costs or fees incurred in defending this matter.

1 ANSWER:

2  
3 Yes, the City of Brier is insured through a self-insured risk pool through the  
4 Association of Washington Cities.

5  REQUEST FOR PRODUCTION NO. 1: Please produce for inspection a copy of any  
6 insurance policy which provides coverage for Defendant as described in your answer to the  
7 preceding Interrogatory.

8 RESPONSE:

9 Defendant will comply with this request. Documents reflecting coverage for the City  
10 are attached hereto at Bates Nos. \_\_\_\_ - \_\_\_\_.

11 INTERROGATORY NO. 3: Did Plaintiff ever report or complain (in writing or verbally) to  
12 you, your officers, agents, or employees, about harassment, hostile work environment,  
13 discrimination or retaliation, that she experienced during her employment at the City of  
14 Brier? If so, please describe in detail the date and nature of the complaint or report, and to  
15 whom it was made.

16 ANSWER:

17 Defendant objects that this complaint is vague and ambiguous as to the meaning of  
18 the term "complain". Defendant further objects that this request is unduly  
19 burdensome in that it seeks information more readily available to the plaintiff.  
20 Defendant further objects that this request is overbroad in that it could be read as  
21 encompassing any and all offhand complaints or criticisms that plaintiff may have  
22 made to co-workers of which the City of Brier would not be aware.

21 Subject to said objections, and construing this interrogatory to encompass written or  
22 verbal complaints that plaintiff made to her superiors within the police department;  
23 defendant is aware of the following complaints:

24 January 2003: Plaintiff complained in writing to Chief Jeffrey Holmes  
25 regarding someone in the department who had defaced a drawing of a dog  
that was among plaintiff's personal articles in her work space.

1 July 2006: Plaintiff complained verbally and in writing to Chief Don Lane  
2 that fellow officer Patrick Murphy had run plaintiff's personal vehicle  
3 through the Washington State DOL database.

4 December 2006: Plaintiff submitted a written complaint to Chief Don Lane  
5 complaining of "harassment, stalking and intimidation" by fellow officer  
6 Patrick Murphy. The details of this complaint are set forth in the written  
7 complaint itself which plaintiff produced in discovery at Bates No. 48. Prior  
8 to this written complaint, plaintiff had complained verbally to Chief Lane that  
9 she felt that Officer Murphy was following her; to which Chief Lane told her  
10 that if she wanted to submit a formal complaint, it needed to be in writing.

11 In addition, plaintiff verbally complained to Chief Lane that Officer Patrick  
12 Murphy was telling other members of the police department and employees  
13 with Sno-Co Dispatch about plaintiff's prior DUI arrest. Chief Lane does not  
14 recall the dates of these complaints, but believes that they were prior to  
15 plaintiff's July 2006 complaint.

16 In addition, plaintiff had told Chief Lane that members of the department  
17 referred to her as "princess" on occasion. Chief Lane does not recall the  
18 dates on which plaintiff stated this to him, and he did not interpret her  
19 statement as a "complaint".

20 INTERROGATORY NO. 4: Please describe in detail any investigation into any complaint  
21 or report you received from Plaintiff or any other person regarding harassment, hostile work  
22 environment, discrimination or retaliation, experienced by Plaintiff during Plaintiff's  
23 employment at City of Brier? Include in your response the persons involved in the  
24 investigation, the outcome of any investigation, and any action taken as a result of the  
25 investigation.

ANSWER:

With respect to the complaint that plaintiff made to Chief Holmes in January 2003,  
Chief Holmes made inquiries in the department in an effort to determine who was  
responsible for defacing the drawing, and he was unable to determine who  
committed this act. He told everyone in the department that they were to leave other  
peoples' things alone.

1 Chief Lane investigated the July 2006 complaint. The details of this investigation  
2 and the action taken as a result of the investigation is set forth in his August 28, 2006  
report that plaintiff produced in response to discovery at Bates Nos. 36-39.

3 The City retained Janice Corbin of Sound Employment Solutions to investigate the  
4 December 2006 complaint; but she failed to follow through with this despite  
5 repeated requests from the City. This investigation and the efforts to obtain Ms.  
6 Corbin's report concerning the investigation are reflected in documents that plaintiff  
7 produced in response to discovery at Bates Nos. 50-107.

8 With respect to plaintiff's verbal complaints about Officer Murphy disclosing  
9 plaintiff's prior DUI arrest, Chief Lane spoke to Officer Murphy about this, and he  
10 denied that he had disclosed plaintiff's DUI arrest to other officers or dispatchers  
11 with Sno-Co. Chief Lane told Murphy that if he was doing this he needed to stop.

12 With respect to plaintiff's statement about being referred to as "princess", Chief  
13 Lane did not interpret this as a complaint or request for action and thus did not  
14 conduct an investigation or follow up.

15 REQUEST FOR PRODUCTION NO. 2: Please produce for inspection all documents or  
16 other materials compiled, generated, reviewed, or relied upon in connection with the  
17 investigation(s) discussed in your Answer to the preceding Interrogatory.

18 RESPONSE:

19 Defendant has no further documents concerning these investigations beyond what  
20 plaintiff produced in response to discovery.

21 With respect to the complaint that plaintiff made concerning the defacement of the  
22 drawing of the dog, those documents are included within the documents produced in  
23 response to Request for Production No. 11.

24 INTERROGATORY NO. 5: Please identify all individuals with knowledge of any fact  
25 pertaining to any liability or damages question at issue in this lawsuit.

ANSWER:

Defendant objects that this request is vague and overbroad. Subject to said  
objection, defendant identifies those persons that plaintiff disclosed in response to  
Interrogatory No. 10. In addition, the following persons may have relevant

1 knowledge regarding plaintiff's employment with the City of Brier and her  
2 allegations of discrimination and harassment against the City:

3 Pat Lowe  
4 Mountlake Terrace Police Department  
5 5906 232nd St SW  
6 Mountlake Ter, WA 98043-4698  
7 (425) 670-8260

8 Brian Osborne  
9 Mountlake Terrace Police Department  
10 5906 232nd St SW  
11 Mountlake Ter, WA 98043-4698  
12 (425) 670-8260

13 Kent Baxter  
14 Deputy Sheriff  
15 King County Sheriff's Office  
16 516 Third Avenue , Room W-150  
17 Seattle, WA 98104-2312  
18 (206) 296-4155

19 Defendant reserves the right to supplement this response with additional witnesses if  
20 and when such additional witnesses are identified.

21 INTERROGATORY NO. 6: With regard to each individual identified in response to the  
22 previous interrogatory, please summarize that individual's knowledge of facts pertaining to  
23 this lawsuit.

24 ANSWER:

25 Brian Osborne and Pat Lowe worked with plaintiff when they were employed with  
the Brier Police Department. They have knowledge regarding plaintiff's working  
relationship with Officer Murphy and others in the department. They have  
knowledge regarding how plaintiff was treated in the department by Chief Lane and  
by other officers; and they have knowledge regarding how Officer Murphy was  
treated by plaintiff and by Chief Lane.

Kent Baxter was the acting Chief in Woodinville when plaintiff arrived for a  
meeting. Though plaintiff was on duty, she arrived in plain clothes and had her  
infant daughter with her. Acting Chief Baxter considered this to be very

1 unprofessional, and he told Officer Murphy about it because he had known Officer  
2 Murphy for a number of years.

3 REQUEST FOR PRODUCTION NO. 3: Please provide for inspection copies of any  
4 written statements you have obtained from any person in connection with Plaintiff's claims  
5 of sexual harassment and discrimination against City of Brier.

6 RESPONSE:

7 Defendant objects that the written statements it obtains are protected by the attorney  
8 work product doctrine. Without waiving said objection, defendant has not obtained  
9 any written statements from any witnesses.

10 INTERROGATORY NO. 7: Please identify any guidelines, standards, policies, or  
11 procedures which Defendant followed or adhered to from 2005 through 2007 pertaining to  
12 identifying, preventing, or correcting any type of workplace discrimination or harassment  
13 based on gender.

14 ANSWER:

15 Defendant's Personnel Policies were included in Chapter 2.60 of its municipal code.  
16 Defendant's Harassment Policy is set forth in Section 2.60.200

17 The Police Department Manual of Policies and Procedures, Section 16 sets forth the  
18 department's harassment policy.

19 REQUEST FOR PRODUCTION NO. 4: Please produce for inspection copies of any  
20 written, computer-generated, or otherwise recorded guidelines, standards, policies, or  
21 procedures identified in your answer to the preceding Interrogatory.

22 RESPONSE:

23 Documents responsive to this request have previously been provided electronically  
24 to plaintiff's counsel. These documents include the Civil Service Rules, Collective  
25 Bargaining Agreement, Personnel Policies, and the Brier Police Department Manual

1 of Policies and Procedures.

2  
3 INTERROGATORY NO. 8: Were you or your employees, agents, and servants aware of  
4 any actions taken or remarks made in the workplace by any person that were directed at  
5 Plaintiff or Plaintiff's gender?

6 ANSWER:

7 Defendant objects that this interrogatory is vague, ambiguous, and overbroad as this  
8 could be read as including every statement ever made to or about the plaintiff during  
9 work hours. Subject to said objection, and limiting this interrogatory to those  
statements made to or about the plaintiff that could arguably be construed as  
harassing or directed at plaintiff's gender, defendant responds as follows:

10 Some members of the Brier Police Department recall plaintiff being referred  
11 to as "princess". It is believed that this nickname originated with former  
Brier Police Officer Pat Lowe.

12  
13 INTERROGATORY NO. 9: If your answer to the preceding interrogatory is in the  
14 affirmative, please identify (see Definitions) the person taking the actions or making the  
15 remarks, the substance of the actions or remarks, and a description of The City of Brier's  
16 response to the actions or remarks.

17 ANSWER:

18 Mickie Halverson has stated that she believes the "princess" term originated with Pat  
19 Lowe who is no longer employed with the City of Brier. Plaintiff did not complain  
20 about being called "princess" and thus there was no "response" from the City of  
Brier.

21 INTERROGATORY NO. 10: Do you or supervisory personnel have knowledge or  
22 indications of statements, ridicule, joking, or other acts that were derogatory, degrading,  
23 offensive or otherwise insulting to women?

24 ANSWER:

1 Defendant objects that this request is overbroad, vague, and unduly burdensome. As  
2 written, this request would encompass every statement that could arguably be  
3 considered insulting to women that any Brier employee or agent, past or present,  
4 ever had knowledge of at any time in his or her life.

5 Subject to said objection, and limiting its response to offensive or insulting  
6 statements made in the Brier Police Department which resulted in formal or informal  
7 complaints to the police chief or Brier's governing body; plaintiff told Chief Lane  
8 that people in the department, including Officer Murphy, called her "princess."  
9 Chief Lane had never heard plaintiff referred to as "princess". Chief Lane is not  
10 aware of any other insulting, rude or disparaging remarks made in the department  
11 while he was the Chief. Chief Lane did not conduct an investigation into this issue  
12 as plaintiff did not request further action from him.

13 INTERROGATORY NO. 11: If your answer to the preceding interrogatory is in the  
14 affirmative, please describe these incidents in detail, including the name of the person  
15 making the statement, the nature of the statement, whether an investigation was conducted,  
16 and the outcome of any such investigation.

17 ANSWER:

18 Plaintiff did not request that anything be done about the reference to her as  
19 "princess" and thus no formal action was taken.

20 INTERROGATORY NO. 12: Please identify (see Definitions) and state the title of all  
21 individuals employed by the City of Brier during the years 2005-2007, indicating in your  
22 response which persons are still employed by the City of Brier.

23 ANSWER:

24 In addition to plaintiff, the following persons have been employed with the City of  
25 Brier during the years 2005-2007. Unless otherwise indicated, all employees are still  
employed with the City of Brier and can be contacted through Brier's attorney,  
Elizabeth McIntyre. If plaintiff seeks contact information for any particular former  
employee, defendant requests that plaintiff notify defendant of which former  
employee(s) she wishes to contact and defendant will seek their consent to disclose  
their personal contact information.

1           **Police Department:**

2                   **Present Employees:**

3                   Donald Lane, police chief  
4                   Patrick Murphy, police officer  
5                   Patrick Lee, police officer  
6                   Michael Javorsky, police officer  
7                   Kevin Kilpatrick, police officer  
8                   Steve Claude Kiely, reserve officer  
9                   David Shrewsbury, reserve officer  
10                  Steven Fox, reserve officer  
11                  Mickie Halverson, supervisor in support services  
12                  Kathy Hazel, support services

13                  **Former Employees:**

14                  Michael Wheeler  
15                  Dan Johnson  
16                  Jeff DeKoning  
17                  Paul Grass  
18                  Dennis Folk  
19                  Daniel Mackenzie  
20                  Edwanton Thomas  
21                  Seth Kinney  
22                  Delsin Thomas

23           **Public Works / Community Development / Building**

24                   **Present Employees:**

25                   Nicole Gaudette, city planner  
26                   Rich Maag, public works foreman  
27                   Eric Beverly, building inspector / code enforcement  
28                   Mike Barker, maintenance  
29                   Caleb Barker, maintenance

30                   **Former Employees:**

31                   Billie Neilson  
32                   George Amador  
33                   Stacy Criswell  
34                   Justin Hill  
35                   Paul Sweum  
36                   Raymond Kendall  
37                   Thomas Leidholdt  
38                   Richard Roberts  
39                   Scott Johnson

1 James Cutts  
2 Erik Lindman  
3 Dennis Lovelett  
4 Andre Merritt  
5 Johnathan Jackson  
6 Jason Jakubiak  
7 Brian Ford

8  
9 **City Hall / Administrative Services**

10 **Present Employees:**

11 Paula Swisher, city clerk / treasurer  
12 Malia Zenik, utility billing clerk  
13 Karen Giesen, deputy clerk treasurer

14 **Former Employees:**

15 Leslie Lavoie  
16 Barbara Podeszwick  
17 Melissa Bollinger

18 REQUEST FOR PRODUCTION NO. 5: Please produce for inspection copies of any  
19 employment manuals, policies, grievance procedures or work place rules, which you  
20 promulgated, posted, or enforced from 2005 through 2007.

21 **RESPONSE:**

22 These have previously been provided electronically to plaintiff's counsel.

23 REQUEST FOR PRODUCTION NO. 6: Please produce for inspection copies of any  
24 policies, manuals or other documents describing or governing maternity leave for City of  
25 Brier employees, including but not limited to employees of the Police Department, for the  
years 2005-2007.

**RESPONSE:**

Section 23.1 (c) of the Collective Bargaining Agreement incorporates the  
Washington State Family Care Act as it relates to maternity leave.

1 Section 2.60.060 of the Personnel Policies also provide for sick leave which may be  
2 used for any period of incapacity resulting from pregnancy or childbirth.

3 REQUEST FOR PRODUCTION NO. 7: Please produce for inspection copies of any City  
4 of Brier manuals, policies, guidelines, or other documents that describe, regulate or govern  
5 employees' use of Department of Licensing databases or resources.

6 RESPONSE:

7 There are no City of Brier manuals, policies, guidelines or other documents that  
8 pertain to the use of DOL databases or resources. The Washington State Patrol has  
9 rules and policies pertaining to its ACCESS system which officers who use the  
10 ACCESS system are required to adhere to, but these are not City policies and are not  
11 directly related to DOL databases.

12 INTERROGATORY NO. 13: Please describe in detail the procedure an employee would  
13 follow to file a complaint about a condition of employment with the City of Brier from 2005  
14 through 2007.

15 ANSWER:

16 Defendant objects that this request is vague and ambiguous with respect to the term  
17 "condition of employment". Subject to said objection, there are grievance  
18 procedures set forth in Chapter 15 of the Police Department Manual of Policies and  
19 Procedures that apply to police department personnel. The BPD collective  
20 bargaining agreement also sets forth a grievance procedure.

21 If the employee's complaint does not fall within the scope of the identified grievance  
22 procedures (e.g., employee complaints about another employee), the complaining  
23 employee is encouraged to bring the complaint to the attention of his or her  
24 supervisor.

25 REQUEST FOR PRODUCTION NO. 8: Please produce all corresponding, including  
emails, exchanged between Plaintiff and any City of Brier employee, officer, and agent.

RESPONSE:

1 All such correspondence is contained within the documents produced in response to  
2 Request for Production No. 11.

3 REQUEST FOR PRODUCTION NO. 9: Please produce all correspondence, including  
4 emails, exchanged between any City of Brier employees, officers, and agents concerning  
5 Plaintiff.

6 RESPONSE:

7 Defendant objects that this request is overbroad and unduly burdensome and seeks  
8 documents that may have previously been purged with respect to the City's  
9 document retention policies. Subject to said objections, Documents responsive to  
10 this request are included within those documents produced in response to Request for  
11 Production No. 11. Additional documents responsive to this request are attached  
12 hereto at Bates Nos. \_\_\_-\_\_\_.

13 INTERROGATORY NO. 14: For the period 2005 through the present, please identify any  
14 claims, complaints (written or verbal), or lawsuits against the City of Brier alleging  
15 discrimination or harassment based on gender. In your Answer, please identify the person  
16 making the claim/complaint, whether a lawsuit was filed, and the disposition of each such  
17 claim.

18 ANSWER:

19 In 2004-2005, Paula Swisher made verbal complaints to certain city council  
20 members regarding her treatment by former Mayor Gary Starks, including treatment  
21 that may have been motivated by gender bias.

22 Plaintiff Lori Batiot is the only person who has filed a formal written complaint of  
23 gender discrimination or harassment from 2005 to the present.

24 INTERROGATORY NO. 15: For the period 2005 through the present, please identify any  
25 claims or complaints (written or verbal), against the City of Brier and/or Patrick Murphy,  
that allege wrongdoing by Patrick Murphy. This includes but is not limited to claims or

1 materials; written disciplinary materials; all email correspondence to, from, or concerning  
2 Plaintiff; all inter-company notes, memoranda, letters, etc, regarding Plaintiff's separation  
3 from the company; and any employee benefits paperwork or statements.

4 RESPONSE:

5 Defendant objects that this request includes documents that may be protected by the  
6 attorney-client privilege and/or the attorney work product doctrine. Subject to said  
7 objection, non-privileged and non-protected documents responsive to this request are  
8 attaches at Bates Nos. \_\_\_\_ - \_\_\_\_.

9 INTERROGATORY NO. 16: Please describe any complaints (written or verbal) you  
10 received about any aspect of Plaintiff's work performance during her employment with you,  
11 including the identity of the person making the complaint, and the date the complaint was  
12 made, and the nature of the complaint.

13 ANSWER:

14 Kent Baxter was Acting Chief in Woodinville when plaintiff arrived at a meeting in  
15 plain clothes and with her infant daughter. Acting Chief Baxter felt that this was  
16 very unprofessional and presented a poor image for the Brier Police Department, and  
17 he notified Officer Murphy of his concerns. Officer Murphy then mentioned this to  
18 Mayor Colinas, who told Chief Lane about it.

19 In December 2006, Mayor Colinas reported to Chief Lane that he saw one of Brier's  
20 police cars outside city limits at a residential address in Lynnwood, and then saw  
21 plaintiff exit the home about 15 minutes after first observing the car at this address.  
22 Plaintiff was subsequently counseled regarding her violation of policy concerning  
23 radio communications.

24 INTERROGATORY NO. 17: Please describe any complaints, comments, feedback, or  
25 observations made by Patrick Murphy to the City of Brier at any time.

ANSWER:

Defendant objects that this request is vague, ambiguous, overbroad, and unduly  
burdensome. Subject to said objection, and limiting this response to complaints,  
comments, feedback or observations that Patrick Murphy made about plaintiff to his

1 supervisors at the Brier Police Department, Officer Murphy sent Chief Lane an email  
2 on August 13, 2007 concerning plaintiff's rude treatment of him.

3 Patrick Murphy also notified Bob Colinas about the Kent Baxter's comment  
4 regarding plaintiff's appearance in Woodinville when she arrived in civilian clothes  
5 with her child.

6 INTERROGATORY NO. 18: Identify each source and form of Plaintiff's compensation as  
7 of October 31, 2007, such as wage, salary, tips, gratuities, commissions, awards or bonuses,  
8 and list the source and value of each such source for each year or month of Plaintiff's  
9 employment, and state the monthly or annual cost or value, of each type of fringe benefit  
10 which formed part of Plaintiff's compensation, such as health insurance, retirement benefits,  
11 company car or other equipment, and any other benefits incidental to employment with  
12 Defendant.

13 ANSWER:

14 As of October 31, 2007, plaintiff was not receiving any wages, salary, etc. from the  
15 City of Brier as she had resigned her position prior to that date.

16 Prior to her resignation, plaintiff earned salary and benefits under the terms of the  
17 collective bargaining agreement which had previously been provided to plaintiff's  
18 counsel. This compensation is reflected in the payroll information that is included in  
19 response to Request for Production No. 11.

20 INTERROGATORY NO. 19: Please identify each individual who had supervisory  
21 authority over Plaintiff in the performance of her job duties or who otherwise reviewed or  
22 evaluated Plaintiff in such performance, from January 1, 2005, through October 31, 2007.

23 ANSWER:

24 Chief Donald Lane is the only one who had supervisory authority over plaintiff in  
25 the time period specified.

1 INTERROGATORY NO. 20: Please identify any individual who had authority to promote,  
2 terminate, demote, transfer or reassign Plaintiff from January 1, 2005, through October  
3 2007.

4 ANSWER:

5 The promotion, termination, demotion, transfer, and/or reassignment of police  
6 officers within the Brier Police Department is governed by the Rules of the Civil  
7 Service Commission which have previously been provided to plaintiff's counsel.

8 INTERROGATORY NO. 21: Please set forth the factual basis for each and every  
9 affirmative defense which you allege.

10 ANSWER:

- 11
- 12 1. Failure to state a claim upon which relief may be granted: plaintiff failed to  
13 identify any adverse job action so as to support a claim of discrimination or  
14 retaliation. Plaintiff fails to identify any facts to support a claim of hostile work  
15 environment.
  - 16 2. Failure to mitigate: Plaintiff voluntarily resigned her position with the City of  
17 Brier because, at the time, her husband had been hired as a police officer for the  
18 City of Seattle. His training schedule for that job conflicted with plaintiff's work  
19 schedule at Brier, and because plaintiff and her husband did not want to place  
20 their daughter in childcare, plaintiff chose to resign in order to stay home and  
21 care for her daughter. It was not until plaintiff's husband failed to complete  
22 probation with the Seattle Police Department that plaintiff made a claim to the  
23 City that she resigned due to harassment. Plaintiff did not look for work  
24 immediately after her voluntary resignation from the City of Brier because, at the  
25 time, her plan was to stay home and care for her daughter.
  - 26 3. Defendant reasonably responded to plaintiff's complaints: when plaintiff  
27 complained of events concerning Officer Murphy, these were addressed in a  
28 reasonable and appropriate manner by the City.

29 REQUEST FOR PRODUCTION NO. 12: Please produce any and all documents that  
30 support or in any way pertain to your answers to the preceding Interrogatory.

1 RESPONSE:

2 Defendant does not have documents responsive to the first and second affirmative  
3 defenses; documents responsive to the third affirmative defense include the  
4 investigation materials that plaintiff produced in response to discovery.

5  
6 INTERROGATORY NO. 22: Please identify each person whom you expect to call as an  
7 expert witness at trial, and state the subject matter on which the expert is expected to testify.

8 ANSWER:

9 Defendant has not yet retained any experts in this matter. Defendant will supplement  
10 this response when and if appropriate.

11 REQUEST FOR PRODUCTION NO. 13: Please produce a Curriculum Vitae for all experts  
12 named in the previous interrogatory answer.

13 RESPONSE:

14 Defendant has not yet retained any experts in this matter. Defendant will supplement  
15 this response when and if appropriate.

16  
17 INTERROGATORY NO. 23: For each expert, please state the opinions which the experts  
18 will provide and a summary of the grounds for each opinion, including every fact underlying  
19 the opinion.

20 ANSWER:

21 Defendant has not yet retained any experts in this matter. Defendant will supplement  
22 this response when and if appropriate.

1 REQUEST FOR PRODUCTION NO. 14: Please produce a copy of any and all reports  
2 generated by experts identified in your answer to Interrogatory No. 22.

3 RESPONSE:

4 Defendant has not yet retained any experts in this matter. Defendant will supplement  
5 this response when and if appropriate.

6  
7 REQUEST FOR PRODUCTION NO. 15: Please produce a copy of all material you or  
8 anyone on your behalf provided to the experts identified in your answer to Interrogatory No.  
9 22.

10 RESPONSE:

11 Defendant has not yet retained any experts in this matter. Defendant will supplement  
12 this response when and if appropriate.

13 REQUEST FOR PRODUCTION NO. 16: Please produce a copy of all materials relied on  
14 by experts identified in your answer to Interrogatory No. 22.

15 RESPONSE:

16 Defendant has not yet retained any experts in this matter. Defendant will supplement  
17 this response when and if appropriate.

18 REQUEST FOR PRODUCTION NO. 17: Produce all documents obtained by subpoena  
19 during the course of this lawsuit.

20 RESPONSE:

21 Defendant has no documents responsive to this request.

22  
23 THESE INTERROGATORIES AND REQUESTS FOR PRODUCTION are  
24 respectfully submitted this \_\_\_\_\_ day of September, 2009.

25  
PLAINTIFF'S FIRST INTERROGATORIES AND  
REQUESTS FOR PRODUCTION TO DEFENDANT  
PAGE 21 OF 23

SCOTT, KINNEY, FJELSTAD & MACK  
600 UNIVERSITY, SUITE 1928  
SEATTLE, WA 98101-4178  
TEL: (206) 622-2200  
FAX: (206) 622-9671

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SCOTT, KINNEY, FJELSTAD & MACK

By: Donna L. Mack, WSBA#: 30875  
Attorney for Plaintiff

**DECLARATION:**

I, Paula Swisher, have read the foregoing Interrogatories and Responses to Requests thereto, know the contents thereof, and believe the same to be true. I declare under penalty of perjury of the laws of the State of Washington that such answers are true.

By: \_\_\_\_\_  
Printed name: \_\_\_\_\_  
Representative for City of Brier

**DECLARATION:**

The undersigned attorney for the City of Brier has read the foregoing Interrogatories and Requests for Production, and Answers and Responses thereto, know the contents thereof, and certifies that they are in compliance with CR 26(g).

By \_\_\_\_\_  
Elizabeth MacIntyre WSBA No. 25671  
Attorneys for Defendant City of Brier

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I certify under penalty of perjury under the laws of the State of Washington, that on this date I sent via U.S. Mail a copy of the document to which this certificate is attached, for delivery to Elizabeth McIntyre Esq.:

DATED: 09/24/09

\_\_\_\_\_  
Ilsa Winningham