

July 24 2017 4:30 PM

KEVIN STOCK
COUNTY CLERK
NO: 16-2-12121-2

1
2
3
4
5
6
7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

8 LINCOLN and CYNTHIA GLENISTER; AN
9 HUYNH; HEATHER HANSTAD; MIKE and
10 WENDY REYNOLDS; TREVOR and
11 ROCHELLE PETTINGILL; JONATHAN and
12 DENISE SOKOLOWSKI; BRAD and SUE
13 COLBO; DAVID and TERRI ASPLUND;
14 TINH V. NGUYEN; STEVE and JEANINE
15 BARNDT; RON BEESLEY and KIM
16 NORRIS; DAVID and CLAIRE
17 GORENSTEIN; BILL NIX and VICTORIA
18 JIMANO; DAN and JANET WOJTALA;
19 RUSS and PEGGY BARSTOW; BRENT and
20 DANA EGGLESTON; RUSS and JENNIFER
21 CRUTCHER; ALAN and NORMA
22 OREJANA; SEAN and SHANNON BROWN;
23 COE and EILEEN LINDNER; SCOTT and
24 SUZANNE BERGESON; BOB and RUBY
25 CHARNESS; MARK and IZZY BOYD;
26 GRAHAM and ERIKA STAINES; ERNEST
and PAMELA PETERSON; JEFF ROCKOFF
and CHARLENE HUTCHINS; LUTHER and
LORELLI AGUILAR; TINH NGUYEN and
PHUNG LE,

Plaintiffs,

vs.

BOARD OF DIRECTORS OF SILVER
CREEK ASSOCIATION, a Washington
nonprofit corporation, dba SILVER CREEK
HOME OWNER'S ASSOCIATION,

Defendant.

NO. 16-2-12121-2

PLAINTIFFS' DISCLOSURE OF POSSIBLE
PRIMARY WITNESSES

COMES NOW Plaintiffs, by and through their attorneys of record, Jason M. Whalen, Shasta

1 L. Kelley and Ledger Square Law, P.S., and, pursuant to the Order Setting Civil Case Schedule,
2 hereby identifies and discloses the following list of possible primary witnesses:

3 **I. POSSIBLE FACT WITNESSES**

4 **1. LINCOLN and CYNTHIA GLENISTER, Plaintiffs**

5 c/o Jason M. Whalen
6 Ledger Square Law, P.S.
7 710 Market Street
8 Tacoma, WA 98402
9 (253) 372-1900

10 LINCOLN and CYNTHIA GLENISTER, Plaintiffs in this matter and are members of the
11 Silver Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
12 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
13 claims asserted in this matter.

14 **2. AN HUYNH, Plaintiff**

15 c/o Jason M. Whalen
16 Ledger Square Law, P.S.
17 710 Market Street
18 Tacoma, WA 98402
19 (253) 372-1900

20 AN HUYNH, Plaintiff in this matter and is a member of the Silver Creek Association, a
21 Washington nonprofit corporation, dba Silver Creek Home Owner's Association, may testify
22 regarding the facts and circumstances surrounding the allegations and/or the claims asserted in this
23 matter.

24 **3. HEATHER HANSTAD, Plaintiff**

25 c/o Jason M. Whalen
26 Ledger Square Law, P.S.
710 Market Street
Tacoma, WA 98402
(253) 372-1900

HEATHER HANSTAD, Plaintiff in this matter and is a member of the Silver Creek
Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's Association, may

1 testify regarding the facts and circumstances surrounding the allegations and/or the claims asserted
2 in this matter.

3 **4. MIKE and WENDY REYNOLDS, Plaintiffs**

4 c/o Jason M. Whalen
5 Ledger Square Law, P.S.
6 710 Market Street
7 Tacoma, WA 98402
8 (253) 372-1900

9 MIKE and WENDY REYNOLDS, Plaintiffs in this matter and are members of the Silver
10 Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
11 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
12 claims asserted in this matter.

13 **5. TREVOR and ROCHELLE PETTINGILL, Plaintiffs**

14 c/o Jason M. Whalen
15 Ledger Square Law, P.S.
16 710 Market Street
17 Tacoma, WA 98402
18 (253) 372-1900

19 TREVOR and ROCHELLE PETTINGILL, Plaintiffs in this matter and are members of the
20 Silver Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
21 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
22 claims asserted in this matter.

23 **6. JONATHAN and DENISE SOKOLOWSKI, Plaintiffs**

24 c/o Jason M. Whalen
25 Ledger Square Law, P.S.
26 710 Market Street
Tacoma, WA 98402
(253) 372-1900

JONATHAN and DENISE SOKOLOWSKI, Plaintiffs in this matter and are members of the
Silver Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
claims asserted in this matter.

1 **7. BRAD and SUE COLBO, Plaintiffs**

2 c/o Jason M. Whalen
3 Ledger Square Law, P.S.
4 710 Market Street
Tacoma, WA 98402
(253) 372-1900

5 BRAD and SUE COLBO, Plaintiffs in this matter and are members of the Silver Creek
6 Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's Association, may
7 testify regarding the facts and circumstances surrounding the allegations and/or the claims asserted
8 in this matter.

9 **8. DAVID and TERRI ASPLUND, Plaintiffs**

10 c/o Jason M. Whalen
11 Ledger Square Law, P.S.
12 710 Market Street
Tacoma, WA 98402
(253) 372-1900

13 DAVID and TERRI ASPLUND, Plaintiffs in this matter and are members of the Silver
14 Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
15 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
16 claims asserted in this matter.

17 **9. TINH V. NGUYEN, Plaintiff**

18 c/o Jason M. Whalen
19 Ledger Square Law, P.S.
20 710 Market Street
Tacoma, WA 98402
(253) 372-1900

21 TINH V. NGUYEN, Plaintiff in this matter and is a member of the Silver Creek Association,
22 a Washington nonprofit corporation, dba Silver Creek Home Owner's Association, may testify
23 regarding the facts and circumstances surrounding the allegations and/or the claims asserted in this
24 matter.

25 **10. STEVE and JEANINE BARNDT, Plaintiffs**

26 c/o Jason M. Whalen
Ledger Square Law, P.S.

1 710 Market Street
2 Tacoma, WA 98402
3 (253) 372-1900

4 STEVE and JEANINE BARNDT, Plaintiffs in this matter and are members of the Silver
5 Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
6 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
7 claims asserted in this matter.

8 **11. RON BEESLEY and KIM NORRIS, Plaintiffs**

9 c/o Jason M. Whalen
10 Ledger Square Law, P.S.
11 710 Market Street
12 Tacoma, WA 98402
13 (253) 372-1900

14 RON BEESLEY and KIM NORRIS, Plaintiffs in this matter and are members of the Silver
15 Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
16 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
17 claims asserted in this matter.

18 **12. DAVID and CLAIRE GORENSTEIN, Plaintiffs**

19 c/o Jason M. Whalen
20 Ledger Square Law, P.S.
21 710 Market Street
22 Tacoma, WA 98402
23 (253) 372-1900

24 DAVID and CLAIRE GORENSTEIN, Plaintiffs in this matter and are members of the Silver
25 Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
26 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
27 claims asserted in this matter.

28 **13. BILL NIX and VICTORIA JIMANO, Plaintiffs**

29 c/o Jason M. Whalen
30 Ledger Square Law, P.S.
31 710 Market Street
32 Tacoma, WA 98402
33 (253) 372-1900

1 BILL NIX and VICTORIA JIMANO, Plaintiffs in this matter and are members of the Silver
2 Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
3 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
4 claims asserted in this matter.

5 **14. DAN and JANET WOJTALA, Plaintiffs**

6 c/o Jason M. Whalen
7 Ledger Square Law, P.S.
8 710 Market Street
9 Tacoma, WA 98402
10 (253) 372-1900

11 DAN and JANET WOJTALA, Plaintiffs in this matter and are members of the Silver Creek
12 Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's Association, may
13 testify regarding the facts and circumstances surrounding the allegations and/or the claims asserted
14 in this matter.

15 **15. RUSS and PEGGY BARSTOW, Plaintiffs**

16 c/o Jason M. Whalen
17 Ledger Square Law, P.S.
18 710 Market Street
19 Tacoma, WA 98402
20 (253) 372-1900

21 RUSS and PEGGY BARSTOW, Plaintiffs in this matter and are members of the Silver
22 Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
23 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
24 claims asserted in this matter.

25 **16. BRENT and DANA EGGLESTON, Plaintiffs**

26 c/o Jason M. Whalen
Ledger Square Law, P.S.
710 Market Street
Tacoma, WA 98402
(253) 372-1900

BRENT and DANA EGGLESTON, Plaintiffs in this matter and are members of the Silver
Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's

1 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
2 claims asserted in this matter.

3 **17. RUSS and JENNIFER CRUTCHER, Plaintiffs**

4 c/o Jason M. Whalen
5 Ledger Square Law, P.S.
6 710 Market Street
7 Tacoma, WA 98402
8 (253) 372-1900

9 RUSS and JENNIFER CRUTCHER, Plaintiffs in this matter and are members of the Silver
10 Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
11 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
12 claims asserted in this matter.

13 **18. ALAN and NORMA OREJANA, Plaintiffs**

14 c/o Jason M. Whalen
15 Ledger Square Law, P.S.
16 710 Market Street
17 Tacoma, WA 98402
18 (253) 372-1900

19 ALAN and NORMA OREJANA, Plaintiffs in this matter and are members of the Silver
20 Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
21 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
22 claims asserted in this matter.

23 **19. SEAN and SHANNON BROWN, Plaintiffs**

24 c/o Jason M. Whalen
25 Ledger Square Law, P.S.
26 710 Market Street
Tacoma, WA 98402
(253) 372-1900

SEAN and SHANNON BROWN, Plaintiffs in this matter and are members of the Silver
Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
claims asserted in this matter.

1 **20. COE and EILEEN LINDNER, Plaintiffs**

2 c/o Jason M. Whalen
3 Ledger Square Law, P.S.
4 710 Market Street
5 Tacoma, WA 98402
6 (253) 372-1900

7 COE and EILEEN LINDNER, Plaintiffs in this matter and are members of the Silver Creek
8 Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's Association, may
9 testify regarding the facts and circumstances surrounding the allegations and/or the claims asserted
10 in this matter.

11 **21. SCOTT and SUZANNE BERGESON, Plaintiffs**

12 c/o Jason M. Whalen
13 Ledger Square Law, P.S.
14 710 Market Street
15 Tacoma, WA 98402
16 (253) 372-1900

17 SCOTT and SUZANNE BERGESON, Plaintiffs in this matter and are members of the Silver
18 Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
19 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
20 claims asserted in this matter.

21 **22. BOB and RUBY CHARNESS, Plaintiffs**

22 c/o Jason M. Whalen
23 Ledger Square Law, P.S.
24 710 Market Street
25 Tacoma, WA 98402
26 (253) 372-1900

BOB and RUBY CHARNESS, Plaintiffs in this matter and are members of the Silver Creek
Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's Association, may
testify regarding the facts and circumstances surrounding the allegations and/or the claims asserted
in this matter.

23. MARK and IZZY BOYD, Plaintiffs

c/o Jason M. Whalen
Ledger Square Law, P.S.

1 710 Market Street
2 Tacoma, WA 98402
(253) 372-1900

3 MARK and IZZY BOYD, Plaintiffs in this matter and are members of the Silver Creek
4 Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's Association, may
5 testify regarding the facts and circumstances surrounding the allegations and/or the claims asserted
6 in this matter.

7 **24. GRAHAM and ERIKA STAINES, Plaintiffs**

8 c/o Jason M. Whalen
9 Ledger Square Law, P.S.
10 710 Market Street
Tacoma, WA 98402
(253) 372-1900

11 GRAHAM and ERIKA STAINES, Plaintiffs in this matter and are members of the Silver
12 Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
13 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
14 claims asserted in this matter.

15 **25. ERNEST and PAMELA PETERSON, Plaintiffs**

16 c/o Jason M. Whalen
17 Ledger Square Law, P.S.
18 710 Market Street
Tacoma, WA 98402
(253) 372-1900

19 ERNEST and PAMELA PETERSON, Plaintiffs in this matter and are members of the Silver
20 Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
21 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
22 claims asserted in this matter.

23 **26. JEFF ROCKOFF and CHARLENE HUTCHINS, Plaintiffs**

24 c/o Jason M. Whalen
25 Ledger Square Law, P.S.
26 710 Market Street
Tacoma, WA 98402
(253) 372-1900

1 JEFF ROCKOFF and CHARLENE HUTCHINS, Plaintiffs in this and are members of the
2 Silver Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
3 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
4 claims asserted in this matter.

5 **27. LUTHER and LORELLI AGUILAR, Plaintiffs**

6 c/o Jason M. Whalen
7 Ledger Square Law, P.S.
8 710 Market Street
9 Tacoma, WA 98402
10 (253) 372-1900

11 LUTHER and LORELLI AGUILAR, Plaintiffs in this matter and are members of the Silver
12 Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
13 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
14 claims asserted in this matter.

15 **28. TINH NGUYEN and PHUNG LE, Plaintiffs**

16 c/o Jason M. Whalen
17 Ledger Square Law, P.S.
18 710 Market Street
19 Tacoma, WA 98402
20 (253) 372-1900

21 TINH NGUYEN and PHUNG LE, Plaintiffs in this matter and are members of the Silver
22 Creek Association, a Washington nonprofit corporation, dba Silver Creek Home Owner's
23 Association, may testify regarding the facts and circumstances surrounding the allegations and/or the
24 claims asserted in this matter.

25 **II. EXPERT WITNESSES**

26 **29. BERNARD P. KNOLL, II, P.E.**

Ages Engineering, LLC
PO Box 935
Puyallup, WA 98371

BERNARD O. KNOLL, II, P.E., may testify regarding his assessment of the site and
conditions, the Geotechnical Evaluation and Management Plan and any facts and circumstances

1 surrounding the allegations and/or the claims asserted in this matter.

2 **30. BRYCE LANDRUD, I.S.A. Certified Arborist #PN0232**
3 Thundering Oak Enterprises, Inc.
4 PO Box 1847
5 Auburn, WA 98071

6 BRYCE LANDRUD, may testify regarding his examination of the Geotechnical Evaluation
7 and Management in regards to his proposed View Plan and any facts and circumstances surrounding
8 the allegations and/or the claims asserted in this matter.

9 **III. RESERVATION OF RIGHTS**

10 Plaintiffs reserve the right to call all witnesses identified by Defendants and any other
11 witnesses in the instant matter as primary witnesses or possible rebuttal witnesses, whether such
12 persons are designated as lay or expert witnesses, and all persons identified through discovery
13 responses and documents produced in discovery herein. Plaintiffs further reserve the right to
14 supplement this disclosure to add lay and expert witnesses who are discovered or identified up
15 through the time of trial.

16 DATED this 24 day of July, 2017.

17 LEDGER SQUARE LAW, P.S.

18 By: 

19 Jason M. Whalen, WSBA # 22195
20 Shasta L. Kelley, WSBA # 47822
21 Attorneys for Plaintiffs

1 **Certificate of Service**

2 The undersigned certifies under the penalty of perjury under the laws of the State of
3 Washington that I am now and at all times herein mentioned a resident of the State of Washington,
4 over the age of eighteen years, not a party to or interested in the above-entitled action, and
5 competent to be a witness herein.

6 On the date given below, I caused to be served the foregoing document on the following
7 persons and in the manner listed below:

<p>8 Gabriella Wagner Whitney L.C. Smith Wilson Smith Cochran Dickerson 9 901 Fifth Ave., Suite 1700 Seattle, WA 98164 10 <u>wagner@wscd.com</u> <u>smithw@wscd.com</u></p>	<p><input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Overnight Courier <input checked="" type="checkbox"/> Electronically via email <input type="checkbox"/> Facsimile</p>
---	--

11 DATED this 24th day of July 2017 at Tacoma, Washington.

12
13 

14 Jennifer K. Fernando
15 Legal Assistant to Jason M. Whalen and Shasta L.
16 Kelley