

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SAMMAMISH HOMEOWNERS, a Washington)
non-profit corporation; THOMAS E HORNISH)
and SUZANNE J. HORNISH, TRUSTEES OF) No. 15-cv-00284 MJP
THE THOMAS E. HORNISH and SUZANNE J.)
HORNISH JOINT LIVING TRUST; TRACY and) DEFENDANT KING COUNTY'S
BARBARA NEIGHBORS; ARUL MENEZES and) FIRST SET OF INTERROGATORIES
LUCRETIA VANDERWENDE; and HEBERT) AND REQUESTS FOR PRODUCTION
MOORE and EVELYN MOORE,) TO EACH INDIVIDUALLY NAMED
Plaintiffs,) PLAINTIFF
vs.)
KING COUNTY, a political subdivision of the)
State of Washington,)
Defendant.)

TO: Each and every individually named plaintiff in this action

AND TO: Daryl A. Deutsch, Thomas S. Stewart, Elizabeth McCulley, and Michael J. Smith
Attorneys for Plaintiffs

In accordance with CR 26, CR 33 and CR 34, each plaintiff named above is hereby
required to answer, in writing, the following interrogatories with respect to their specific
property interests **separately and fully** under oath, within thirty (30) days of their service upon

DEFENDANT KING COUNTY'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO EACH INDIVIDUALLY
NAMED PLAINTIFF (15-cv-00284 MJP)-1

Daniel T. Satterberg, Prosecuting Attorney
CIVIL DIVISION, Litigation Section
900 King County Administration Building
500 Fourth Avenue
Seattle, Washington 98104
(206) 296-0430 Fax (206) 296-8819

1 you. These interrogatories are deemed continuing in nature and you must supplement your
2 answers pursuant to CR 26(e).

3 PRELIMINARY STATEMENT

4 These interrogatories call for all information (including information contained in or on
5 writings, recordings, photographs, or any other tangible thing or material) that is known or
6 available to you, including all information in possession of your doctors, agents, attorneys,
7 accountants, auditors or other persons or experts and any investigators or any person acting on
8 your behalf or under you or your attorneys' employment, direction and/or control.

9 If you are asserting that part of any response to an interrogatory is privileged, specify the
10 grounds therefore, identify the alleged privileged documents or conversations by date, author,
11 recipient and general subject matter, and provide all information responsive to the interrogatory
12 which does not fall within your claim of privilege.

13 Unless conclusively negated by the context of the question, the following is to be
14 considered applicable to all questions contained in this set of written interrogatories:

15 A. The singular number and the masculine gender as used herein shall embrace, and
16 be read and applied as, the plural or the feminine or the neuter, as the circumstances may make
17 appropriate.

18 B. The word "person" includes the plural as well as the singular and includes any
19 natural person, firm, association, partnership, corporation, or other form of legal entity.

20 C. Each interrogatory is intended to, and does request that each and every particular
21 and part thereof be answered with the same force and effect as if each part and particular were
22 the subject of and were asked by a separate interrogatory.

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DEFENDANT KING COUNTY'S FIRST SET OF
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1 D. The terms "document" and/or "writing" mean and include, but are not limited to,
2 any printed, typewritten, or handwritten matter of whatever character, and every other form of
3 recording upon any tangible thing.

4 E. Whenever you are asked to identify any document or writing, state with respect to
5 each such document or writing:

- 6 (a) The date it bears and the date it was prepared,
- 7 (b) The identity of the author and/or originator,
- 8 (c) The identity of each addressee,
- 9 (d) The nature and substance thereof,
- 10 (e) The identity of the present custodian thereof,
- 11 (f) The present location of the document, and
- 12 (g) Whether you will provide a copy thereof without further request.

13 F. Whenever you are asked to identify or describe an oral communication or
14 conversation, state with respect thereto:

- 15 (a) The date and place thereof and whether it was in person or by telephone,
- 16 (b) The identity of each person who participated in or heard any part of
17 communication,
- 18 (c) The substance of what was said by each person who participated therein,
19 and
- 20 (d) The identity of any document that recorded, summarized or confirmed the
21 oral communication.

22 G. Whenever you are asked to identify any person, state with respect to such person:

- 23 (a) The person's name,

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1 (b) Such person's last known business address and telephone number,
2 (c) Such person's last known residence address and telephone number,
3 (d) Such person's present occupation and business affiliation, and
4 (e) Such person's occupation and business affiliation of the time to which
5 your answer relates.

6 H. The term "Corridor" as used herein refers to the East Lake Sammamish Rail
7 Corridor, which runs along the Eastern shore of Lake Sammamish in King County, Washington
8 near plaintiffs' respective properties.

9 You are hereby notified that the following interrogatories shall be deemed continuing,
10 and any additional information, including any conclusions, opinions or contentions that are
11 different from those set forth in plaintiff's answers relating in any way to these interrogatories,
12 which the plaintiff acquires subsequent to the date of answering these interrogatories and up to
13 and including the date of trial, shall be furnished to defendant promptly after such information is
14 acquired.

15 INTERROGATORIES

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18 INTERROGATORY NO. 1. For any parcel(s) identified in your Amended Complaint for
19 Declaratory Relief, list any challenges or appeals that you have made to your property tax
20 assessments, including the date of the appeal, the nature of the appeal and the outcome of the
21 appeal.

22 ANSWER:

23
DEFENDANT KING COUNTY'S FIRST SET OF
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1 INTERROGATORY NO. 2. For any parcel(s) identified in your Amended Complaint for
2 Declaratory Relief, identify all telegraph, telephone, fiber optic cable, electrical wires, utilities,
3 poles, pipes, conduit or equipment located on or under the Corridor adjacent to your parcel(s),
4 including the location and nature of such uses.

5 ANSWER:

6 INTERROGATORY NO. 3. For any parcel(s) identified in your Amended Complaint for
7 Declaratory Relief, list any building, grading, or shoreline permits that you have sought for the
8 parcel(s), including the date of the request, a description of the proposed work, the status of the
9 request, and the status of the project.

10 ANSWER:

11 INTERROGATORY NO. 4. For any parcel(s) identified in your Amended Complaint for
12 Declaratory Relief, list each *specific* instance where King County, its agents, employees or
13 representatives, have claimed a property interest in the portion of the Corridor adjacent to your
14 parcel(s) that is contrary to your property interest, including the date of the claim, the identity of
15 the speaker, the nature of the claim, and why you feel it is contrary to your property interests.

16 ANSWER:

17 INTERROGATORY NO. 5. For any parcel(s) identified in your Amended Complaint for
18 Declaratory Relief, list any structures, driveways, sidewalks, landscaping, fences, retaining
19 walls, or other encroachments (collectively "encroachments") owned by you or others that are
20 located on or within the Corridor. Include the date that the encroachment was constructed or
21 placed, the nature and location of the encroachment, whether the encroachment was authorized
22 by BNSF or any other person or entity, whether a survey addresses the encroachment, whether
23 construction of the encroachment was permitted and whether the encroachment is currently
authorized by a special use permit, license, agreement or other authorization issued by King
County or a predecessor to King County's property rights in the Corridor.

ANSWER:

DEFENDANT KING COUNTY'S FIRST SET OF
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1 INTERROGATORY NO. 6. For any parcel(s) identified in your Amended Complaint for
2 Declaratory Relief, state whether you have the right to construct improvements, landscaping, or
3 otherwise make use of the portions of the Corridor that are adjacent to your parcel(s) and
4 whether you have exercised this right or plan to do so in the future.

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8 ANSWER:

9 INTERROGATORY NO. 7. For any parcel(s) identified in your Amended Complaint for
10 Declaratory Relief, describe your understanding regarding the King County's current property
11 rights in the portion of the Corridor where you claim to own property rights, including what uses
12 King County may carry out within this portion of the Corridor without your permission and/or
13 without compensation to you (including without limitation grants to third parties) and what uses
14 you may carry out within this portion of the Corridor without permission from King County.

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16 ANSWER:

17 INTERROGATORY NO. 8. With regard to your claim that King County possesses only a
18 surface easement for a recreational trail with the potential reactivation of a railroad, describe
19 your understanding and belief as to the following (1) the width of the easement, including the
20 number of feet, adjacent to any parcel(s) identified in your Amended Complaint for Declaratory
21 Relief; (2) whether the dimensions of the easement are co-extensive with the dimensions of the
22 Corridor, (3) whether King County has the right to construct a trail within the easement, (4)
23 whether King County has the right to place the trail anywhere within the boundaries of the
easement, (5) whether the right to construct a trail includes the right to install drainage, signage,
lighting, and/or other facilities that are related to construction and operation of the trail, and (6)
whether King County can require you to remove any improvements or landscaping from the
Corridor or easement area that interfere with trail construction and/or operation.

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25 ANSWER:

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DEFENDANT KING COUNTY'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR
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1 INTERROGATORY NO. 9. Have you filed for bankruptcy during the period that you have
2 owned the parcel(s) identified in your Amended Complaint for Declaratory Relief? If so, list the
3 date of the bankruptcy filing, the jurisdiction where you sought bankruptcy protection, and the
4 cause number.

5 ANSWER:

6 INTERROGATORY NO. 10. For any parcel(s) identified in your Amended Complaint for
7 Declaratory Relief, has the parcel(s) been the subject of a judicial or non-judicial foreclosure
8 proceeding? If so, list the date of the foreclosure procedure, the type of foreclosure proceeding,
9 the jurisdiction of the foreclosure proceeding, and any cause number associated with the
10 proceeding.

11 ANSWER:

12 INTERROGATORY NO. 11. In your Amended Complaint for Declaratory Relief, you allege
13 that you own fee title in portions of the Corridor. Please identify all facts and documents which
14 support your allegation.

15 ANSWER:

16 INTERROGATORY NO. 12. For any parcel identified in your Amended Complaint for
17 Declaratory Relief, list any permits, licenses, or permissions that you (or the former owners of
18 your parcel(s)) sought or obtained from the railroad, the Land Conservancy of Seattle and King
19 County (TLC), the City of Sammamish, King County, or their predecessor in interest, that grants
20 you (or the former owners of your property) permission to use property within the
21 Corridor. This includes, but is not limited to, crossing permits, permits for parking or
22 landscaping, permits to construct improvements, or permission allowing any other use.

23 ANSWER:

INTERROGATORY NO. 13. For any parcel identified in your Amended Complaint for
Declaratory Relief, please list and describe any communication you (or the former owners of
your parcel(s)) have had with the railroad, TLC, the City of Sammamish, or King County
regarding the Corridor or use of the Corridor?

ANSWER:

DEFENDANT KING COUNTY'S FIRST SET OF
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1 INTERROGATORY NO. 14. For any parcel identified in your Amended Complaint for
2 Declaratory Relief, have you ever made any other claims, filed any other suits, or received any
3 payments for damage to, diminution in value of or takings? If so, describe the claims or, if suit
4 was filed, state the courts, and the captions in which filed, the years filed, the titles and docket
5 numbers of the suits, and state whether you received any payment and/or other consideration
6 from any person as a result of the claims or suits, including any settlements, and identify all
7 documents that refer or relate thereto.

8 ANSWER:

9 REQUESTS FOR PRODUCTION

10 REQUEST FOR PRODUCTION A. Please produce all documents associated with the
11 acquisition of any parcel(s) identified in your Amended Complaint for Declaratory Relief,
12 including but not limited to, real estate contracts, purchase and sale agreements, title insurance
13 and any other documents containing a legal description of the property.

14 RESPONSE:

15 REQUEST FOR PRODUCTION B. Please produce all documents associated with the refinance
16 of any parcel(s) identified in your Amended Complaint for Declaratory Relief, including but not
17 limited to title insurance and any other documents containing a legal description of the property.

18 RESPONSE:

19 REQUEST FOR PRODUCTION C. Please produce any additional appraisals of any parcel(s)
20 identified in your Amended Complaint for Declaratory Relief that were not produced in response
21 to request for production A or B.

22 RESPONSE:

23 REQUEST FOR PRODUCTION D. Please produce all documents associated with any
challenge or appeal of your property tax assessment for any parcel(s) identified in your Amended
Complaint for Declaratory Relief, or otherwise related to your answer to Interrogatory 1.

RESPONSE:

DEFENDANT KING COUNTY'S FIRST SET OF
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1 REQUEST FOR PRODUCTION E. To the extent not attached to your Amended Complaint for
2 Declaratory Relief, please produce all deeds within your chain of title and any documents
3 associated with those deeds for any parcels identified in your Amended Complaint for
4 Declaratory Relief.

5 RESPONSE:

6 REQUEST FOR PRODUCTION F. Please produce all documents related to your answer to
7 Interrogatory 3, including any correspondence or other documents addressing the subject of the
8 interrogatory.

9 RESPONSE:

10 REQUEST FOR PRODUCTION G. Please produce all documents related to your answer to
11 Interrogatory 4, including any correspondence or other documents addressing the subject of the
12 interrogatory.

13 RESPONSE:

14 REQUEST FOR PRODUCTION H. Please produce all documents related to your answer to
15 Interrogatory 5, including but not limited to, letters, emails, surveys, maps, drawings,
16 photographs, and special use permits.

17 RESPONSE:

18 REQUEST FOR PRODUCTION I. Please produce all documents related to your answer to
19 Interrogatory 6, including any correspondence, drawings, plans, permit applications, or other
20 documents addressing the subject of the interrogatory.

21 RESPONSE:

22 REQUEST FOR PRODUCTION J. Please produce all documents related to your answer to
23 Interrogatory 7, including any correspondence, agreements, draft agreements, due diligence
documents or other documents addressing the subject of the interrogatory.

RESPONSE:

DEFENDANT KING COUNTY'S FIRST SET OF
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1 REQUEST FOR PRODUCTION K. Please produce all documents related to your answer to
2 Interrogatory 8, including any correspondence or other documents addressing the subject of the
interrogatory.

3 RESPONSE:

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5 REQUEST FOR PRODUCTION L. Please produce all documents related to your answer to
6 Interrogatory 9, including any correspondence, court filings, or other documents addressing the
subject of the interrogatory.

7 RESPONSE:

8 REQUEST FOR PRODUCTION M. Please produce all documents related to your answer to
9 Interrogatory 10, including any correspondence, court filings, or other documents addressing the
subject of the interrogatory.

10 RESPONSE:

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12 REQUEST FOR PRODUCTION N. Please produce all documents that relate to Interrogatory
13 No. 11 and the allegation in your complaint that the property you own fee title to portions of the
Corridor.

14 RESPONSE:

15 REQUEST FOR PRODUCTION O. Please produce all documents related to your answer to
16 Interrogatory 12, including any correspondence, agreements, draft agreements or other
documents addressing the subject of the interrogatory.

17 RESPONSE:

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19 REQUEST FOR PRODUCTION P. Please produce all documents related to your answer to
20 Interrogatory No. 13, including any correspondence or other documents addressing the subject of
the interrogatory.

21 RESPONSE:

22
23 REQUEST FOR PRODUCTION Q. Please produce all photographs, maps, diagrams, sketches,
plans, specifications or drawings in your possession depicting any improvements or landscaping

DEFENDANT KING COUNTY'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO EACH INDIVIDUALLY
NAMED PLAINTIFF (15-cv-00284 MJP)-10

Daniel T. Satterberg, Prosecuting Attorney
CIVIL DIVISION, Litigation Section
900 King County Administration Building
500 Fourth Avenue
Seattle, Washington 98104
(206) 296-0430 Fax (206) 296-8819

1 that are wholly or partially within the portions of the Corridor that are adjacent to any parcel(s)
2 identified in your Amended Complaint for Declaratory Relief.

3 RESPONSE:

4 REQUEST FOR PRODUCTION R: Please produce any correspondence or other documents that
5 relate to your ownership, use, or possession of the parcel(s) you identify in your Amended
6 Complaint for Declaratory Relief, or the Corridor.

7 RESPONSE:

8 REQUEST FOR PRODUCTION S: Please produce all documents related to your answer to
9 Interrogatory No. 14, including any correspondence, court filings, or other documents addressing
10 the subject of the interrogatory.

11 RESPONSE:

12 REQUEST FOR PRODUCTION T. Please produce all documents related to any misdemeanor
13 or felony conviction that you might have for a crime of dishonesty, including but not limited to,
14 forgery, fraud, theft, shoplifting, perjury, and/or false swearing.

15 RESPONSE:

16 REQUEST FOR PRODUCTION U. Please produce all property tax assessments and
17 property tax documents that relate to any parcel(s) identified in your Amended Complaint for
18 Declaratory Relief.

19 RESPONSE:

20 REQUEST FOR PRODUCTION V. To the extent not attached to your Amended Complaint for
21 Declaratory Relief, please produce copies of any title reports that relate to any parcel(s)
22 identified in your Amended Complaint for Declaratory Relief, including but not limited to any
23 title reports generated in connection with a mortgage or refinance of your property.

RESPONSE:

DEFENDANT KING COUNTY'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO EACH INDIVIDUALLY
NAMED PLAINTIFF (15-cv-00284 MJP)-11

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1 REQUEST FOR PRODUCTION W. Please produce copies of sewer bills or septic pumping
2 receipts that relate to any parcel(s) identified in your Amended Complaint for Declaratory Relief.

3 RESPONSE:

4
5 REQUEST FOR PRODUCTION X. Please produce all documents relating to any appeal you
6 have taken concerning to the July 7, 2015 Decision of the City of Sammamish on King County
7 Parks' Shoreline Substantial Development Permit for the East Lake Sammamish Trail.

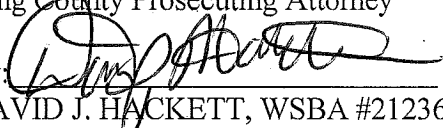
8 RESPONSE:

9
10 REQUEST FOR PRODUCTION Y. Please produce all documents relating to the meeting held
11 on May 19, 2015 with residents who own parcels adjoining the East Lake Sammamish Trail,
12 referenced on <http://www.sammamishhomeowners.org>, including any power-point presentations
13 given, materials provided to attendees, and audio or video recordings of the May 19th meeting.

14 RESPONSE:

15 Interrogatories DATED this 19th day of August, 2015 at Seattle, Washington.

16 DANIEL T. SATTERBERG
17 King County Prosecuting Attorney

18 By: 
19 DAVID J. HACKETT, WSBA #21236
20 Senior Deputy Prosecuting Attorney
21 Attorneys for Defendant King County
22 500 Fourth Ave., 9th Floor
23 Seattle, WA. 98104
Telephone: (206) 296-8820 / Fax: (206) 296-8819
Email: David.Hackett@Kingcounty.gov

DEFENDANT KING COUNTY'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO EACH INDIVIDUALLY
NAMED PLAINTIFF (15-cv-00284 MJP)-12

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CIVIL DIVISION, Litigation Section
900 King County Administration Building
500 Fourth Avenue
Seattle, Washington 98104
(206) 296-0430 Fax (206) 296-8819

Answers (and objections) DATED this _____ day of _____, 2015 at
Seattle, Washington.

By: _____
[Attorney Name], WSBA # _____
Attorneys for Plaintiff
Address _____
Telephone: / Fax: _____
Email Address _____

ATTORNEY'S CR 26(g) CERTIFICATE

The undersigned attorney of record for plaintiff hereby certifies that he has reviewed the foregoing answers and responses to the Defendant King County's First Set of Interrogatories and Requests for Production to Each Individually Named Plaintiff and, to the best of his knowledge, information, and belief, formed after a reasonable inquiry they are consistent with CR 26(g) requirements.

DATED this _____ day of _____, 2015.

Daryl A. Deutsch, WSBA # 11003
Thomas S. Stewart
Elizabeth McCulley
Michael J. Smith
Attorneys for Plaintiff

DEFENDANT KING COUNTY'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO EACH INDIVIDUALLY
NAMED PLAINTIFF (15-cv-00284 MJP)-13

Daniel T. Satterberg, Prosecuting Attorney
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Seattle, Washington 98104
(206) 296-0430 Fax (206) 296-8819

VERIFICATION

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

_____, on oath and under penalty of perjury, says:

That I am a plaintiff in the above captioned action. I have read Defendant King County's foregoing Interrogatories and Requests for Production and answers thereto. The answers to the Interrogatories and Requests for Production are true and correct to the best of my knowledge and belief.

Dated this ____ day of _____, 2015.

_____, Plaintiff

SUBSCRIBED AND SWORN TO before me this ____ day of _____, 2015.

Signature

Print name: _____

NOTARY PUBLIC in and for the State
of Washington, residing at _____

My appointment expires: _____

DEFENDANT KING COUNTY'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO EACH INDIVIDUALLY
NAMED PLAINTIFF (15-cv-00284 MJP)-14

Daniel T. Satterberg, Prosecuting Attorney
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DECLARATION OF SERVICE

I hereby certify that on August 19, 2015, I served the foregoing document via email and U.S. Mail to the following:

Daryl A. Deutsch, WSBA # 11003
Attorney for Plaintiff
Rodgers, Deutsch & Turner, PLLC
Three Lake Bellevue Drive, Suite 100
Bellevue, WA 98005
Email: daryl@rdtlaw.com

Thomas S. Stewart
Elizabeth McCulley
Attorneys for Plaintiff
Stewart Wald & McCulley, LLC
9200 Ward Parkway, Suite 550
Kansas City, MO 64114
stewart@swm.legal
mcculley@swm.legal

Michael J Smith
Steward Wald & McCulley, LLC
100 N. Broadway, Suite 1850
St. Louis, MO 63102
smith@swm.legal

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

DATED: August 19, 2015, at Seattle, Washington.

s/ Kris Bridgman
Kris Bridgman, Legal Secretary
King County Prosecuting Attorney's Office

DEFENDANT KING COUNTY'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR
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NAMED PLAINTIFF (15-cv-00284 MJP)-15

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