

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

LANE POWELL, PC, an Oregon
professional corporation,

Plaintiff,

v.

MARK DECOURSEY and CAROL
DECOURSEY

Defendants

No. 11-2-34596-3 SEA

**ORDER ON MOTION TO
RECONSIDER ORDER
COMPELLING DISCOVERY OF
PRIVILEGED MATERIALS
(PROPOSED)** *RE*

This matter having come for hearing before this Court on Defendant DeCourseys' *Motion to Reconsider Order Compelling Discovery of Privileged Materials*, and the Court having reviewed the records and files pertaining to this action, including:

1. Lane Powell's January 24, 2012 motion, *Plaintiff's Motion to Compel Defendants' Responses to Plaintiff's First Set of Discovery Requests*
2. DeCourseys *Opposition* to the above motion
3. DeCourseys' *Motion to Reconsider Order Compelling Discovery of Privileged Materials*
4. Declaration of Mark DeCoursey and supporting exhibits
5. ~~Lane Powell's response, if any~~ *RE*
6. ~~DeCourseys' reply, if any~~ *RE*

1
2 The Court rules as follows:

3 The Court's Order of February 3, 2012, *Order on Plaintiff's Motion to Compel*
4 *Defendants' Responses to Plaintiff's First Discovery Requests*, is VACATED.

5 The Court also FINDS THAT:

- 6 1. That attorney-client privilege and the waiver of privilege is a fundamental issue of
7 American law and jurisprudence;
8 2. That the courts have held that a violation attorney-client privilege could easily be
9 gravely prejudicial to a case;
10 3. That Lane Powell has not provided any authorities to support its contention that
11 DeCourseys have universally waived privilege concerning the Windermere lawsuit;

12 And therefore, this Court ORDERS: *DE*

- 13 4. That DeCourseys must respond to discovery requests in full with evidence and
14 materials ~~that are not privileged~~ *IN ACCORDANCE WITH THIS COURT'S ORDER OF 2/3/2012.*
in accordance with CR 26(b) and ER 502.

15 5. _____
16 _____
17 _____
18 _____

19 Signed this *29th* day of *February*, 2012.

20 *Richard D Eadie*
21 Judge ~~Richard~~ D. Eadie

22 Submitted by:

23 _____/s Mark DeCoursey

24 Mark DeCoursey

25 Pro se