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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

**DEFENDANTS' MOTION TO
COMPEL PRODUCTION OF
11,000 RESPONSIVE
ELECTRONIC RECORDS WITH
SUBJOINED DECLARATION**

1. RELIEF REQUESTED

DeCourseys respectfully ask the Court to compel Lane Powell to produce requested
discovery materials pursuant to CR 37.

2. STATEMENT OF FACTS

On December 19, 2011, DeCourseys served to Plaintiff Lane Powell (through its
attorney, McNaul Ebel) *DeCourseys' First Set of Discovery Requests to Plaintiff*.

Attachment A. Lane Powell has admitted having 11,000 electronic responsive documents,
Exhibit C (email of March 19).

Under CR 34, all documents requested are to be available within 30 days of the
request.

1 On March 19, 2011, a full 60 days after they were due, Lane Powell admitted it had
2 "11,000 or so electronic documents" that were responsive to DeCourseys discovery requests,
3 but was still not ready to produce them. **Exhibit C.** DeCourseys have requested production
4 of the electronic documents multiple times since then, Exhibit **B, C, D** (email of September
5 5), but Lane Powell procrastinates, denies that production is late, and finds other excuses.

6
7 **Exhibit D.**

8 On July 6, 2012, the Court reminded all parties that the trial would happen in March
9 2013 and should prepare for that date. DeCourseys notified Lane Powell's counsel again on
10 September 5, 2012 that it was in violation of the discovery Rules.

11 At this time, Lane Powell still has not produced the 11,000 electronic documents it
12 admits that it has. Lane Powell stands in defiance of the Civil Rules. **Declaration of Mark**

13 **DeCoursey.**

14 Apparently, the Court must force Lane Powell to comply with its legal obligations.

15
16 **3. STATEMENT OF ISSUES**

17 Is Lane Powell in violation of the Rules?

18 Do DeCourseys have a right to discover evidence?

19 Will this Court enforce the Rules of discovery?

20
21 **4. EVIDENCE RELIED UPON**

22 Declaration of Mark DeCoursey and attached Exhibits 1-J.

23 The records of this case on file with the court

24 **5. AUTHORITY**

25 CR 26, CR 34, CR 37, LCR 7, LCR, 37.

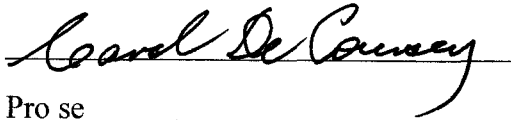
1 The Court has the power, and in the interests of justice, the obligation, to enforce the
2 discovery rules on all parties with equity.

3 **6. ORDER**

4 In accordance with LCR 7(b)(5)(C), a proposed order accompanies this motion. In
5 keeping with LCR 37(d), the Court shall require Lane Powell to deposit with the
6 SHARE/WHEEL homeless charity a sanction in the amount incurred by its own law firm to
7 write file, and argue a motion to compel discovery, thereby discouraging the lawlessness
8 with which too many large firms are commonly afflicted.
9

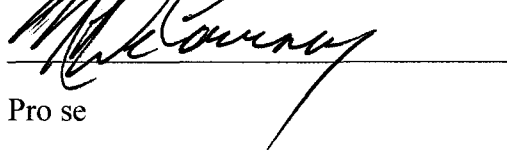
10 DATED this 21 day of September, 2012.

11 Carol DeCoursey

12 
13 _____

14 Pro se

11 Mark DeCoursey

12 
13 _____

14 Pro se

1 **Declaration of Mark DeCoursey**

2 Mark DeCoursey hereby declares as follows:

3 Being over the age of eighteen and competent to testify, I hereby attest and declare
4 the following under the laws of perjury of the State of Washington:

5 **Exhibit A** is a true and fair copy of *ODeCourseys' First Set of Discovery Requests to*
6 *Plaintiff*, served December 19, 2011.

7 **Exhibit B** is a true and fair copy of an email exchange between DeCourseys and Lane
8 Powell's counsel concerning that discovery request between February 26 and February
9 28, 2012.

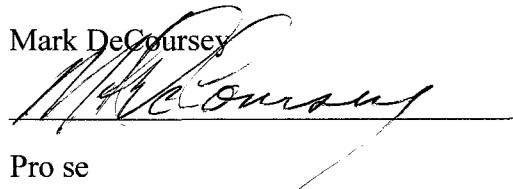
10 **Exhibit C** is a true and fair copy of an email exchange between DeCourseys and Lane
11 Powell's counsel concerning that discovery request between March 4, 2012 and April 11,
12 2012.

13 **Exhibit D** is a true and fair copy of an email exchange between DeCourseys and Lane
14 Powell's counsel concerning that discovery request between September 5, 2012 and
15 September 10, 2012.

16
17 Despite this extensive correspondence, the prolonged delay, and the court's orders, Lane
18 Powell has not produced any part of the 11,000 electronic documents that Lane Powell
19 admits it has.

20
21 DATED this 21 day of Sept, 2012

22 Mark DeCoursey

23 
24 Pro se