

1 2. Attached hereto as Exhibit A is a true and correct copy of an email chain, dated
2 October 4, 2011, reflecting an agreement between myself and counsel for Plaintiffs, Robert
3 Sulkin, that the parties would stay all discovery in this case until the anti-SLAPP motion is
4 resolved.

5 3. Plaintiffs demanded videotaped depositions and issued multiple and duplicative
6 discovery requests to all sixteen Defendants in this case.

7 4. Due to the large volume of discovery requested by Plaintiffs at the outset of this
8 case, and pursuant to RCW 4.24.525(5)(c), I called Plaintiffs' counsel Robert Sulkin on the
9 telephone to request a discovery stay. On October 3, 2011, during our telephone conversation,
10 Mr. Sulkin and I agreed to stay discovery until the Court decided the anti-SLAPP motion.

11 5. The following day, I sent Mr. Sulkin an email confirming our agreement to stay
12 discovery until resolution of the anti-SLAPP motion. He responded: "We are on the same
13 page." Accordingly, Plaintiffs agreed to stay discovery until resolution of the anti-SLAPP
14 motion. As a result of our agreement, the sixteen videotaped depositions did not take place and
15 none of the Defendants were required to respond to any of the extensive discovery requests
16 served upon them at the outset of the lawsuit.

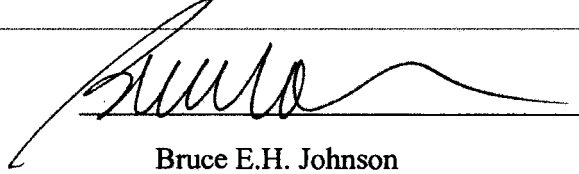
17 6. On November 1, 2011, I spoke again with Mr. Sulkin. Defendants were about to
18 serve and file their anti-SLAPP motion, and so Mr. Sulkin and I were discussing an appropriate
19 oral argument hearing date for that motion in accordance with our agreement. At that time, Mr.
20 Sulkin mentioned that in response to the anti-SLAPP motion, the Plaintiffs might file a cross-
21 motion seeking discovery, which is a remedy available to them under RCW 4.24.525(5)(c).
22 Other than that suggestion and until we received the Plaintiffs' cross-motion for discovery on
23 December 1, 2011, Plaintiffs' counsel never contacted me with any request to modify their
24 prior agreement staying discovery with Defendants.

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and belief.

Executed at New York, New York, this 15th day of December, 2011.



Bruce E.H. Johnson

EXHIBIT A

Smith, Devin

From: Robert Sulkin <RSulkin@mcnaul.com>
Sent: Tuesday, October 04, 2011 10:53 PM
To: Johnson, Bruce
Cc: Avi Lipman; Robin Lindsey
Subject: Re: Our conversation yesterday in Davis v. Cox

We are on the same page.

Sent from my iPad

On Oct 4, 2011, at 1:41 PM, "Johnson, Bruce" <brucejohnson@dwt.com> wrote:

Bob, we spoke yesterday and agreed upon the following:

1. I will check with the defendants and determine, among those who have not yet been served, which ones will agree to have me accept service, and let you and/or Ari know promptly;
2. The defendants will have until Oct. 31 to file their motion to dismiss/Anti-SLAPP motion to strike;
3. We will work cooperatively to set the briefing schedule, and any oral argument, on the motion identified in #2; and
4. Discovery will be stayed until resolution of that motion.

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Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing document on:

Robert Sulkin
Avi J. Lipman
McNaul Ebel Nawrot & Helgren PLLC
600 University Street
Suite 2700
Seattle, WA 98101-3143

by **mailing** a copy thereof in a sealed, first-class postage prepaid envelope, addressed to said attorney's last-known address and deposited in the U.S. mail at Seattle, WA on the date set forth below;

by causing a copy thereof to **be hand-delivered** to said attorney's address as shown above on the date set forth below;

by sending a copy thereof via **overnight** courier in a sealed, prepaid envelope, addressed to said attorney's last-known address on the date set forth below;

by **faxing** a copy thereof to said attorney at his/her last-known facsimile number on the date set forth below; or

by **emailing** a copy thereof to said attorney at his/her last-known email address as set forth above.

DATED this 15 day of December, 2011.

DAVIS WRIGHT TREMAINE LLP

By Roni Grant
Roni Grant