

1 EXPEDITE
2 No hearing is set
3 Hearing is set
4 Date: January 13, 2011
5 Time: 11 a.m.
6 Judge/Calendar: Hon. Paula Casey/
7 Hon. Christopher Wickham
8

9 SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

10 KENT L. and LINDA DAVIS; JEFFREY
11 and SUSAN TRININ; and SUSAN
12 MAYER, derivatively on behalf of
13 OLYMPIA FOOD COOPERATIVE,

14 Plaintiffs,

15 v.

16 GRACE COX; ROCHELLE GAUSE;
17 ERIN GENIA; T.J. JOHNSON; JAYNE
18 KASZYNSKI; JACKIE KRZYZEK;
19 JESSICA LAING; RON LAVIGNE;
20 HARRY LEVINE; ERIC MAPES; JOHN
21 NASON; JOHN REGAN; ROB
22 RICHARDS; SUZANNE SHAFER; JULIA
23 SOKOLOFF; and JOELLEN REINECK
24 WILHELM,

25 Defendants.

No. 11-2-01925-7

DECLARATION OF MICHAEL
LOWSKY OPPOSING
DEFENDANTS' SPECIAL MOTION

26 I, Michael Lowsky, declare under penalty of perjury of the laws of the State of
Washington that the following statements are true and correct and based on personal
knowledge:

1. I have been employed as a staff member at the Olympia Food Cooperative
("OFC" or "Co-op") for approximately sixteen years. I have been a member of OFC for
approximately twenty-three (23) years. I believe strongly in OFC and wish it no harm.

1 2. In or around May 1993, the OFC Board of Directors (“Board”) enacted a
2 “Boycott Policy.” So far as I know, the content of the Boycott Policy has not been
3 changed or amended since its original enactment. I am familiar with the Boycott Policy,
4 which is published on OFC’s website (www.olympiafood.coop/boycott).

5 3. Since the enactment of the Boycott Policy, the staff of OFC has decided—
6 by consensus—to honor certain “nationally recognized” boycotts. These include boycotts
7 of products manufactured by Phillip Morris; products manufactured by Celestial Seasons;
8 products manufactured in China; and products manufactured in Norway. So far as I know,
9 each of these boycotts was “nationally recognized” at the time OFC began honoring it,
10 and each was approved by consensus by the Co-op staff.

11 4. In the spring of 2010, the Co-op staff was presented by the staff
12 representative to the Board with a proposal to boycott products manufactured in Israel and
13 to divest from investment in Israel. The staff representative to the Board drafted this
14 proposal at the request of the Board. The involvement of the Board in a boycott proposal
15 was not consistent with either prior boycotts or my understanding of the Boycott Policy. As
16 presented, Co-op staff had three options: (a) “consent”; (b) “stand aside”; or (c) “take to
17 meeting.”

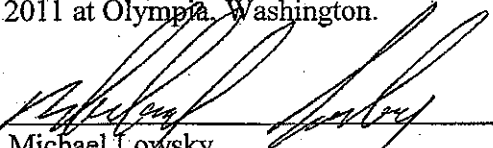
18 5. After at least one Co-op staff member checked “take to meeting,” the
19 proposal was sent to Co-op staff work group meetings (how and where the collective makes
20 decisions). There were approximately 10-15 Co-op staff members at each meeting, as well
21 as the staff representative to the Board. The meetings took place in or around the beginning
22 of July 2010. Among the staff members at the meetings, there were a number of “firm
23 blocks,” meaning these members were clearly against the Israel boycott and divestment
24 proposal. Because it only takes one Co-op staff member to block consensus, it was clear at
25 those meetings that the Co-op staff did not support the Israel boycott and divestment
26 proposal. No evidence was presented to us at those meetings, or at any other time, that a

1 boycott of and/or divestment from Israel were "nationally recognized." In fact, the proposal
2 was presented to us as an opportunity to be the first grocery store to publicly recognize a
3 boycott and/or divestment from Israel.

4 6. The Board was then notified of the lack of consensus among the Co-op staff
5 regarding the proposal. Despite a block and a general lack of support for the proposal by
6 Co-op staff, the Board independently consented to publicly support the Israel boycott and
7 divestment in July 2010.

8 7. The Co-op staff never consented to the Israel boycott and divestment
9 proposal. In fact, at no time has the Co-op staff ever reached consensus regarding any
10 proposal, in any form, to boycott Israeli-made products and/or to divest from investment in
11 Israel.

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13 DATED this 16th day of November, 2011 at Olympia, Washington.

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16 Michael Lowsky
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