

FILED
KING COUNTY, WASHINGTON

APR 27 2012

SUPERIOR COURT CLERK
BY ANDREW T. HANIS
DEPUTY

IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR KING COUNTY

LANE POWELL PC, etc.,

Plaintiff,

v.

MARK DECOURSEY and CAROL
DECOURSEY, etc.,

Defendants

NO. 11-2-34596-3 SEA

**ORDER ON MOTIONS TO
COMPEL AND FOR ORDER OF
CONTEMPT**

(CLERK'S ACTION REQUIRED)

The Court has considered Plaintiff's motions for Contempt for Failure to Deposit Funds in accordance with this Court's December 21, 2011 Order and Plaintiff's Motion for Contempt for failure to respond to Plaintiff's First Set of Discovery Requests, and having considered Defendants' Responses, Plaintiff's reply documents, and having considered the ADA accommodation request of Defendants (Court's response attached), now therefore,

It is ORDERED that Defendants shall comply with this Court's Order of December 21, 2011 by depositing into the Court Registry (King County Office of


1 Judicial Administration, King County Courthouse, 516 Third Avenue, Seattle, WA)
2 the sum of \$57,036.30 immediately. In order to allow for the delivery of this
3 Order, and the Defendants' compliance, deposit shall be not later than 4:00 p.m.
4 May 3, 2012.

5 It is further ORDERED that Defendants serve on Plaintiff's counsel full and
6 complete answers to Plaintiff's First Set of Discovery Requests on or before 4:00
7 p.m. May 3, 2012, and that those answers shall be made on the basis that the
8 attorney-client privilege between Plaintiff and Defendants has been waived with
9 respect to any representation by Plaintiff of Defendants in or related to the
10 Windermere lawsuit.

11 Defendants refusal to comply with this Court's Orders referenced above
12 has been without reasonable cause or justification and therefore is willful and
13 deliberate and has prejudiced Plaintiff's preparation of this case. Plaintiff is
14 awarded reasonable attorney fees pursuant to RCW 7.21.030 (3), for bringing the
15 motion for contempt for failure to deposit funds, and Plaintiff may note a motion
16 pursuant to CR37(4) for fees and expenses related to the motion for contempt for
17 failure to respond to Plaintiff's first set of discovery.

18 Defendants are cautioned that further and more serious sanctions,
19 including the possibility of striking claims, defenses, or pleadings, or entry of
20 default, may follow from any further failure to abide by court orders or rules.

21 DATED this 25th day of APRIL, 2012

22 
23 RICHARD D. EADIE, JUDGE

*Judge
Eadie*

Superior Court for the State of Washington
in and for the County of King

JUDGE PALMER ROBINSON
Department 41

King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9103

April 10, 2012

Carol A. DeCoursey
8209 172nd Avenue NE
Redmond, WA 98052

Mark H. DeCoursey
8209 172nd Avenue NE
Redmond, WA 98052

Re: ADA Accommodation Request

I am the Assistant Presiding Judge of King County Superior Court. Your ADA Accommodation Request was forwarded to me. I note that you have specified that the list of accommodations you seek is to be viewed by the trier of fact, but that the material you have submitted supporting those requested accommodations is to be seen by the ADA Administrator only.

GR33 provides that the Order ruling on the request for accommodation shall be issued by a Judge. Our ADA Administrator, Linda Ridge, is not a judge and cannot issue orders.

I am able to comment on several of your requested accommodations. You may record, for your own private use, any court hearing. The Official Court Record will be only a transcript prepared by a court reporter who is an employee of King County or by a transcriptionist preparing a transcript from FTR digital recording made under the control of an employee of the Department of Judicial Administration.

You may have an ADA advocate with you in Court. However, the advocate will not be allowed to speak for you or otherwise represent you.

All court rules, orders and instructions will be enforced equally.

Court orders and instructions will be provided in clear unambiguous language and will be reduced to writing when practical.

There will be no threats, exploitation, deception or intimidation of any witness or party by anyone.

The bulk of your requests need to be addressed by the trial judge in the context of his oversight of the discovery process and conduct of court hearings. For instance, I may say there will be no threats, but that is not particularly helpful without knowing what

Carol A. DeCoursey
Mark H. DeCoursey
April 10, 2012
Page 2

question or remark you find to be threatening and an examination of the context in which the question was asked or comment made.

Your request for additional time to reply to motions may depend on the timing of the original motion. Whether or not a party would be prejudiced by a continuance of a hearing cannot possibly be decided in a vacuum.

I am mindful that you have not given me authority to share much of your support for your requested accommodations with Judge Eadie. I am requesting that authority so that he may, consistent with the rule, make his decision on an individual and case-specific basis with due regard to the nature of the disability and the feasibility of the requested accommodation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Palmer R.", with a long horizontal flourish extending to the right.

Palmer Robinson
Assistant Presiding Judge

PR: cdc

cc: Honorable Richard Eadie