

CASE#: 86-2-18282-9 CIVIL JUDGMENT# NO JUDGE ID: 025
 TITLE: LIEN ET AL VS BARNETT ET AL
 FILED: 07-31-86
 CAUSE: PIN PERSONAL INJURY
 RESOLUTION: STPR DATE: 04-10-89 SETTLED BY PARTIES AND/OR AGREED JUDGMEN
 COMPLETION: JODF DATE: 04-10-89 JUDGMENT/ORDER/DECREE FILED
 CASE STATUS: DATE:
 CONSOLIDATED: 86 2 18176 8 86-2-18429-5 86-2-26360-8 88-2-18321-0 88-2-04615-8
 NOTE1: *CONSOL UNDER 86 2 18176 8*
 NOTE2: **CIVIL TRACK I

-----PARTIES-----

| CONN | LAST NAME, | FIRST MI TITLE | LITIGANTS | DATE |
|-------|---|----------------|-----------|------|
| PLA01 | LIEN, GARY | | | |
| PLA02 | LIEN, SCOTT | | | |
| PLA03 | LIEN, RANDY | | | |
| DEF01 | BARNETT, DON | | | |
| DEF02 | BARNETT, BARBARA H/W | | | |
| DEF03 | COMMUNITY CHAPEL & BIBLE TRAINING CENTER | | | |
| DEF04 | BUTLER, KATHY | | | |

-----ATTORNEYS-----

| CONN | LAST NAME, | FIRST MI TITLE | LITIGANTS | DATE |
|-------|----------------------|----------------|-----------|------|
| ATP01 | MAYHEW, ALVIN D JR | | 1-3 | |
| WTD01 | BUGNI, MICHAEL W | | | |
| WTD02 | LEACH, JAMES G | | 3 | |
| ATD03 | HOLLENBECK, RODNEY D | | | |

-----APPEARANCE DOCKET-----

| SUB# | DATE | CD/CONN | DESCRIPTION | SECONDARY | MICROFILM |
|------|----------|---------|---|------------|-----------|
| - | 07-31-86 | \$FFRC | FILING FEE RECEIVED - CIVIL ALVIN D MAYHEW JR | 70.00 | |
| 1 | 07-31-86 | SMCMP | SUMMONS & COMPLAINT | | |
| 2 | 11-18-86 | ORARC | ORDER AUTHOR REMOVAL OF COURT FILE | | |
| 3 | 09-08-87 | \$AFSR | AFFIDAVIT OF SERVICE | 27.00 | |
| 4 | 09-11-87 | \$AFSR | AFFIDAVIT OF SERVICE | 20.00 | |
| 5 | 09-15-87 | APR | APPEARANCE OF BARNETT | | |
| | | ATD01 | BUGNI, MICHAEL W | | |
| 6 | 11-03-87 | APR | APPEARANCE DFS BARNETT & COMM CHAPL | | |
| | | ATD02 | LEACH, JAMES G | | |
| 7 | 11-23-87 | NTWSUB | NOTICE WITHDRAW & SUBSTITUT COUNSEL FOR BARNETT ET ALL | | |
| | | ATD02 | LEACH, JAMES G | | |
| 8 | 12-15-87 | APR | APPEARANCE FOR BARNETT | | |
| | | ATD03 | HOLLENBECK, RODNEY D | | |
| 9 | 03-25-88 | MTAFOD | DEF MT/AF FOR ORDER OF DEFAULT | 04-11-88MS | |
| 10 | 03-25-88 | NTMTDK | NOTE FOR MOTION DOCKET | | |
| 11 | 03-25-88 | AFML | AFFIDAVIT OF MAILING | | |
| 12 | 04-08-88 | AN | ANSWER DEFS BARNETT | | |
| 13 | 04-08-88 | AN | ANSWER DEF CCBTC | | |
| 14 | 04-25-88 | NTWSUB | NOTICE WITHDRAW & SUBSTITUT COUNSEL FOR DEFTS BARNETT | | |
| | | ATD03 | HOLLENBECK, RODNEY D | | |

CASE#: 86-2-18282-9

CIVIL JUDGMENT# NO

JUDGE ID: 025

TITLE: LIEN ET AL VS BARNETT ET AL

-----APPEARANCE DOCKET-----

| SUB# | DATE | CD/CONN | DESCRIPTION | SECONDARY MICROFILM |
|------|----------|---------------------------|---|---------------------|
| 15 | 07-29-88 | MT | DEF MTN TO DISMISS | 08-12-88MS |
| 16 | 07-29-88 | NTMTDK | NOTE FOR MOTION DOCKET | |
| 17 | 07-29-88 | MMATH | MEMORANDUM OF AUTHORITIES | |
| 18 | 07-29-88 | AF | AFFIDAVIT OF R HOLLENBECK | |
| 19 | 08-10-88 | NTHG | NOTICE OF HEARING | 08-22-88MS |
| | | ACTION | DEF MTN TO DISMISS | |
| 20 | 08-15-88 | MM | MEMORANDUM IN OPP MTN TO DSM PLA | |
| 21 | 08-15-88 | AF | AFFIDAVIT OF G LIEN | |
| 22 | 08-16-88 | AF | AFFIDAVIT OF K BUTLER | |
| 23 | 02-28-89 | ORJSR | ORDER TO FILE JOINT STATUS REPORT REMAILED 03-10-89 TO LEACH | |
| 24 | 03-15-89 | NTIWD WTD02 | NOTICE OF INTENT TO WITHDRAW LEACH, JAMES G | |
| 25 | 03-23-89 | JSR | JOINT STATUS REPORT PLA | 04-03-89JS |
| 26 | 04-10-89 | MINUTE | JT STATUS CAL | |
| - | 04-10-89 | AST | ASSIGNED TO JUDGE AITKEN | |
| 27 | 04-13-89 | DCJSR | DECISION ON JOINT STATUS REPORT F | 12-28-90JS |
| | | ACTION | CASE ON APPEAL | |
| 28 | 06-26-89 | AF | AFFIDAVIT OF ALVIN D MAYHEW JR | |
| 29 | 06-26-89 | AFML | AFFIDAVIT OF MAILING | |
| 30 | 06-30-89 | DISPHRG JDG25 DEF01 | CR DIANE STANLEY JUDGE JOHN RILEY, DEPT 25 BARNETT, DON | |
| 31 | 09-28-89 | DSGCKP | DESIGNATION OF CLERK'S PAPERS | |
| 32 | 09-28-89 | AF | AFFIDAVIT OF DELIVERY | |
| 33 | 10-04-89 | OB | OBJECTION TO MTN STRIKE AFFD | |
| 34 | 10-17-89 | INX | INDEX TO CLERKS PAPERS | |
| - | 10-17-89 | \$CLPA | CLERK'S PAPERS - FEE ASSESSED | 8.00 |
| 35 | 12-01-89 | DSGCKP | DESIGNATION OF CLERK'S PAPERS | |
| 36 | 12-27-89 | INX | INDEX TO CLERKS PAPERS | |
| - | 01-18-90 | \$CLPR | CLERK'S PAPERS - FEE RECEIVED | 8.00 |
| 37 | 02-28-90 | INX | INDEX TO CLERK'S PAPERS | |
| - | 02-28-90 | \$CLPA | CLERK'S PAPERS - FEE ASSESSED | 4.50 |
| 38 | 02-04-91 | CP | COPY JOINT STATUS CAL | |

-----END COPY CASE-----

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

1 Gary Lien, individually and as)
parent of Scott Lien and)
2 Randy Lien)

3)
4 **Plaintiff,**)

5 **-vs-**)

6 Don Barnett and Barbara)
Barnett, husband and wife;)
7 Community Chapel and Bible)
Training Center, a nonprofit)
association; John Doe and Jane)
8 Doe I-XX; Kathy Butler a)
a married person)

9 **DEFENDANTS**)

FILED
NO. 86-218282-9

SUMMONS (20 DAYS)

10
11 **TO THE DEFENDANT:** A lawsuit has been started against you in
12 the above entitled court by GARY LIEN ET AL,
plaintiff. Plaintiff's claim is stated in the written Complaint, a
copy of which is served upon you with this Summons.

13 In order to defend against this lawsuit, you must respond to
14 the Complaint by stating your defense in writing, and serve a copy
15 upon the undersigned attorney for the plaintiff within twenty (20)
16 days after the service of this Summons, excluding the day of service,
17 or a default judgment may be entered against you without notice. A
default judgment is one where plaintiff is entitled to what he asks
for because you have not responded. If you serve a Notice of
Appearance on the undersigned attorney, you are entitled to notice
before a default judgment may be entered.

18 You may demand that the plaintiff file this lawsuit with the
19 Court. If you do so, the demand must be in writing and must be
20 served upon the plaintiff. Within fourteen (14) days after you serve
the demand, the plaintiff must file this lawsuit with the Court, or
the service on you of this Summons and Complaint will be void.

21 If you wish to seek the advice of an attorney in this matter,
22 you should do so promptly so that your written response, if any, may
be served on time.

23 This Summons is issued pursuant to Rule 4 of the Superior Court
24 Civil Rules of the State of Washington.

25 *Alvin D. Mayhew, Jr.*
26 **ALVIN D. MAYHEW, JR.**
Attorney for Plaintiff
1016 Main Street
27 Sumner, WA 98390
28 (206) 863-2286

MAYHEW &
WOOD, INC., P.S.
ATTORNEYS AT LAW
1016 MAIN STREET
SUMNER, WA
98390

* * * * *

Summons (20 Days) - Page 1 and only

FILED
07-31-1986
3:34 P.m.
KING COUNTY SUPERIOR COURT
M. JANICE MICHELS
KING COUNTY CLERK
SEATTLE, WA.

86-2-18282-9

| REG/RECEIPT # | TRAN-CODE | DOCKET-CODE |
|--------------------------|-----------|-------------|
| 01-12820 | 1100 | \$FFRC |
| PAID BY: MAYHEW, ALVIN D | | |
| TRANSACTION AMOUNT: | | \$70.00 |

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FILED

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

GARY LIEN, individually and)
as a parent of SCOTT LIEN)
AND RANDY LIEN,)

NO.
86 2 18282-9

Plaintiffs,)

COMPLAINT FOR PERSONAL INJURIES AND DAMAGES

vs.)

DON BARNETT and BARBARA)
BARNETT, husband and wife;)
COMMUNITY CHAPEL and)
BIBLE TRAINING CENTER, a)
non-profit association;)
JOHN DOE and JANE DOE I-XX;)
KATHY BUTLER, a married)
person,)

Defendants.)

COMES NOW the Plaintiffs, and for a cause of action, complain and allege as follows:

I

PARTIES

1.1 Plaintiffs are parent and children, Gary Lien being the father to Scott and Randy Lien.

1.2 Don Barnett and Barbara Barnett are husband and wife, constituting a marital community under the laws of the State of Washington.

1.3 Plaintiffs believe the Community Chapel and Bible Training Center is a nonprofit corporation organized under

ALVIN D. MAYHEW, JR., INC., P.S.
ATTORNEYS AT LAW
1018 MAIN STREET
SUMNER, WA
98390
(206) 863-2286

1 the Laws of the State of Washington, although the exact type
2 of business organization of this Defendant is unknown to
3 Plaintiffs at this time.

4 1.4 John Doe and Jane Doe I-XX, are the officers and
5 directors of Defendant Community Chapel and Bible Training
6 Center, the identity of whom is unknown to Plaintiffs at this
7 time.

8 1.5 Kathy Butler, fka Kathy Lien, a married person, is
9 the ex-wife of Plaintiff, Gary Lien, and mother of Scott Lien
10 and Randy Lien.

11 II

12 FACTS

13 2.1 That prior to 1975, Kathy Butler and Gary Lien were
14 husband and wife. Two children were born as issue of this
15 marriage: Scott and Randy Lien.

16 2.2 Gary and Kathy Lien began attending the Community
17 chapel & Bible Training Center on a regular basis after they
18 married and eventually became members of this church.

19 2.3 Gary and Kathy Lien spent a great deal of their
20 spare time at the church and were involved in church activities.

21 2.4 Don Barnett was employed by the Community Chapel
22 and Bible Training Center as a pastor, and served in that
23 capacity with full knowledge and consent of the officers and
24 directors of the Community Chapel and Bible Training Center.

25 2.5 As Gary and Kathy Lien became more and more involved
26 in the church activities, they became closer friends with Don

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Barnett. Because of his position as a pastor, Gary Lien encouraged contact between his family and Don Barnett.

2.6 Unknown to Gary Lien, Don Barnett was making sexual advances towards his wife, Kathy Lien. This began sometime in 1972 and continued thereafter.

2.7 In 1975, Kathy and Gary Lien separated and their marriage eventually ended in divorce.

2.8 The cause of the divorce was the pressure and guilt suffered by Kathy Lien as a result of the advances made by Don Barnett.

2.9 That Gary Lien learned of these events on or about April 22, 1986, and learned that these events were the cause of the breakup of his marriage with Kathy Butler.

III

FIRST CAUSE OF ACTION

3.1 Plaintiffs reallege each and every allegation set forth in Paragraphs I and II above.

3.2 That Don Barnett owed a duty of due care to Kathy Lien to conduct himself in accordance with the standards of a reasonably prudent pastor. The standards do not include making sexual advances towards a person looking to him for guidance. This breach of duty was the sole and proximate cause of the divorce between Gary and Kathy Lien.

3.3 that Plaintiffs have been damaged specially and generally in an amount to be proven at the time of trial due to the negligent mal practice of Don Barnett.

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IV

SECOND CAUSE OF ACTION

4.1 Plaintiff reallege each and every allegation set forth in Paragraphs I, II and 3.2.

4.2 That Gary Lien was deprived of the services of his wife prior to divorce due to the negligence of Don Barnett.

4.3 Gary Lien has been damaged specially and generally for loss of consortium in an amount to be proven at the time of trial.

V

THIRD CAUSE OF ACTION

5.1 Plaintiffs reallege each and every allegation set forth in Paragraphs I and II.

5.2 That the acts of Don Barnett resulted in intentional infliction of emotional distress upon the Plaintiffs.

5.3 That Plaintiffs have been damaged specially and generally in an amount to be proven at the time of trial.

VI

FOURTH CAUSE OF ACTION

6.1 Plaintiffs reallege each and every allegation set forth in Paragraphs I and II.

6.2 That the acts of Don Barnett constitute the tort of outrage.

6.3 That Plaintiffs have been damaged specially and generally in an amount to be proven at the time of trial.

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VII

FIFTH CAUSE OF ACTION

7.1 Plaintiffs reallege each and every allegation set forth in Paragraphs I, II, III, IV, V and VI.

7.2 That Defendant, Community Chapel and Bible Training Center, and Defendants John Doe and Jane Doe I-XX, are liable for all acts of Don Barnett under the doctrine of respondeat superior.

7.3 Plaintiffs have been damaged specially and generally in an amount to be proven at the time of trial due to the acts of Don Barnett.

VIII

SIXTH CAUSE OF ACTION

8.1 Plaintiffs reallege each and every allegation set forth in Paragraphs I, II, III, IV, V, and VI.

8.2 Defendants Community Chapel and Bible Training Center and John Doe and Jane Doe I-XX owe a duty to parishioners to properly supervise employees.

8.3 By failing to stop Don Barnett from the type of conduct alleged herein, Defendant Community chapel and Bible Training Center, and John Doe and Jane Doe I-XX breached their respective duties to adequately supervise employees. This failure to supervise allowed the conduct to continue, which was the sole and proximate cause of the divorce of Gary and Kathy Lien.

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8.4 Plaintiffs have been damaged specially and generally in an amount to be proven at the time of trial due to the acts of Don Barnett.

WHEREFORE, Plaintiffs pray for damage against the Defendant, individually, and jointly and severally, and jointly and severally against the marital community composed of Don Barnett and Barbara Barnett, as follows:

1. For special and general damages suffered by Gary Lien in an amount to be proven at the time of trial due to the causes of action set forth above.

2. For special and general damages suffered by Scott and Randy Lien due to the divorce of their parents in an amount to be proven at the time of trial due to the causes of action set forth above.

3. For Plaintiffs costs and disbursements herein to be taxed.

4. for such other and further relief as the Court deems appropriate in the premises.

DATED this 31st day of July, 1986.

Alvin D. May Jr.
ALVIN D. MAYHEW, JR.
Attorney for Plaintiffs

ALVIN D. MAYHEW, JR., INC., P.S.
ATTORNEYS AT LAW
1018 MAIN STREET
SUMNER, WA
98380
(206) 883-2286

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STATE OF WASHINGTON)
 §
County of Pierce)

GARY LIEN, being first duly sworn on oath, deposes and says:

That I am one of the parties in the above-named law suit; that I have read the foregoing Complaint, know the contents thereof, and believe the same to be true and correct.

Gary W. Lien

GARY LIEN

SUBSCRIBED AND SWORN to before me this 31st day of July, 1986.

Patricia R. Korp

NOTARY PUBLIC in and for the State of Washington, residing at Bonney Lake



ALVIN D. MAYHEW, JR., INC. P.S.
ATTORNEYS AT LAW
1016 MAIN STREET
SUMNER, WA
98390
(206) 863 2286

Complaint for Personal Injuries and Damages - 7



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

Comm. Chapel

vs.

Plaintiff(s)

Defendant(s)

FILED
NOV 16 PM 3:56
KING COUNTY
SUPERIOR COURT
NO. 06-2-18282-9
ORDER AUTHORIZING REMOVAL OF COURT FILE

IT IS ORDERED that:

Name: PAT CRAFF

Address: 13727 NE 11th St.
Apt 4-3

Belleuve WA 98005

Telephone No.: (206) 644-9771

is authorized to remove from the Clerk's Office the file in the above entitled matter for a period of 2 days.

Dated: 11/17/86

[Signature]
Judge/Court Commissioner/
Approving Authority

COURT COMMISSIONER PRO TEM

Presented by:

[Signature]

PAGER # 994 2560

Rec'd
11/17/86
[Signature]

- DIAL 994 2560
- When it answers type in the # you want me to call
- Push the "#" sign

I'll call within 10 minutes

[Signature]

EXPO1

GARY LIEN, INDIVIDUALLY AND AS PARENT OF
SCOTT LIEN AND RANDY LIEN

PLAINTIFF

VS

DON BARNETT AND BARBARA BARNETT, HUSBAND AND WIFE
COMMUNITY CHAPEL AND BIBLE TRAINING
CENTER, A NONPROFIT ASSOCIATION
JOHN DOE AND JANE DOE I-XX:
KATHY BUTLER AN A MARRIED PERSON

DEFENDANT

SEP -8 21 12: NUMBER 86-2-18282-9
AFFIDAVIT OF SERVICE

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE WA

STATE OF WASHINGTON
COUNTY OF KING

The undersigned, being first duly sworn, on oath deposes and says: That he is now and at all times herein mentioned was a citizen of the United States and resident of the state of Washington, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness therein.

That on 9-2-87 at 7:00 AM, at the address of 416 192nd Seattle within KING County, Washington, affiant duly served a:

SUMMONS AND COMPLAINT

In the above entitled action upon DONALD BARNETT by then and there personally delivering a true and correct copy thereof and leaving same with DONALD BARNETT

That at the time and place set forth above affiant duly served a:

SUMMONS AND COMPLAINT

In the above entitled action upon BARBARA BARNETT defendant Therein named, by then and there personally delivering a true and correct copy thereof of same for said defendant at the residence and usual place of abode by delivering into the hands of, and leaving with a person who claimed to be DONALD BARNETT being a person of suitable age and discretion, then residing therein.

Affiant further states that he is informed and believes and therefore alleges, that neither of said defendants is in the Military service of the United States.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4 DAY OF Sept, 19 87

James R. Felt

Service fees:
Service \$ 12.00 Return fee \$ 5.00
Travel \$ 10.00 Total \$ 27.00

Ken Felt
Notary Public in and for the State of Washington, residing at TACOMA

MY COMMISSION EXPIRES 7-31-91

GARY LIEN, INDIVIDUALLY AND AS A PARENT
OF SCOTT LIEN AND RANDY LIEN

PLAINTIFF

VS

DON BARNETT AND BARBARA BANETT, HUSBAND AND WIFE
COMMUNITY CHAPEL AND BIBLE TRAINING
CENTER, A NONPROFIT ASSOCIATION
JOHN DOE AND JANE DOE I-XX KATHYBUTLER
A MARRIED PERSON

DEFENDANT

SEP 11 NUMBER 865-18282-9
AFFIDAVIT OF SERVICE
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE WA

STATE OF WASHINGTON
COUNTY OF KING

The undersigned, being first duly sworn, on oath deposes and says: That he is now and at all times herein mentioned was a citizen of the United States and resident of the state of Washington, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness therein.

That on 9-4-87 at 9:40 AM, at the address of 18635 8th Ave. S. Seattle
within KING County, Washington, affiant duly served a:

SUMMONS AND COMPLAINT

In the above entitled action upon COMMUNITY CHAPEL AND BIBLE TRAINING CENTER then and there personally delivering a true and correct copy thereof and leaving same with CHRIS MATHEWS ASST. GENERAL MANAGER

That at the time and place set forth above affiant duly served a:

In the above entitled action upon _____ defendant
Therein named, by then and there personally delivering true and correct copy thereof of same for said defendant at the residence and usual place of abode by delivering into the hands of, and leaving with a person who claimed to be _____ being a person of suitable age and discretion, then residing therein.

Affiant further states that he is informed and believes and therefore alleges, that neither of said defendants is in the Military service of the United States.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 10 DAY OF Sept, 19 87
Dan R. [Signature]

Service fees:

Service \$ 6.00 Return fee \$ 5.00
Travel \$ 9.00 Total \$ 20.00

Harv [Signature]
Notary Public in and for the State
of Washington, residing at
TACOMA

MY COMMISSION EXPIRES 7 31-91

*4
Knick*

SEP 15 11:12:07

FOR DEPOSIT
SUPERIOR COURT CLERK
SEATTLE, WA

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

GARY LIEN, individually and as)
a parent of SCOTT LIEN and)
RANDY LIEN,)
Plaintiff,)
vs.)
DON BARNETT and BARBARA)
BARNETT, husband and wife,)
COMMUNITY CHAPEL and BIBLE)
TRAINING CENTER, a non-profit)
association; JOHN DOE and JANE)
DOE I-XX; KATHY BUTLER, a)
married person,)
Defendants.)

No. 86-2-18282-9

NOTICE OF APPEARANCE

TO THE PLAINTIFFS above named, and

TO ALVIN D. MAYHEW, JR. Attorney for Plaintiffs:

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that Donald Lee Barnett and Barbara Barnett, COMMUNITY CHAPEL AND BIBLE TRAINING CENTER and JOHN DOE and JANE DOE I-XX hereby appear in the above entitled cause by the undersigned associated Attorneys and request that all further papers and pleadings herein, except original process, be served upon the undersigned associated Attorneys at their addresses below stated.

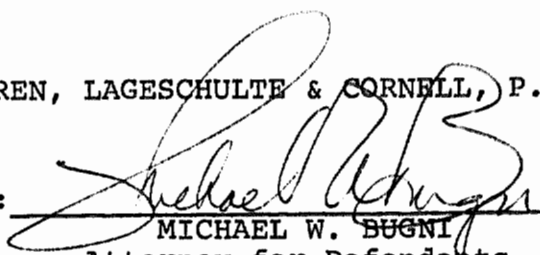
NOTICE OF APPEARANCE - 1

5-PB

MOREN, LAGESCHULTZ & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
11320 ROOSEVELT WAY N.E.
SEATTLE, WASHINGTON 98125
(206) 365 5500

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MOREN, LAGESCHULTE & CORNELL, P.S.

By: 

MICHAEL W. BUGNI
Attorney for Defendants
11320 Roosevelt Way N.E.
Seattle, WA 98133
Phone: (206) 365-5500

NOTICE OF APPEARANCE - 2

MOREN, LAGESCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
11320 ROOSEVELT WAY N E
SEATTLE, WASHINGTON 98125
(206) 365-5500

ORIGINAL

FILED

RECEIVED
NOV 3 - 1987
ALVIN D. MAYHEW, JR.

87 NOV 3 P 2: 43

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IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
 Gary Lien, individually and as parent of Scott Lien and Randy Lien, Plaintiff,)
 vs. Don Barnett and Barbara Barnett, husband and wife; Community Chapel and Bible Training Center, a nonprofit association; John Doe and Jane Doe, I-XX; Kathy Butler a married person, Defendants)

NO. 86-2-18282-9
 NOTICE OF APPEARANCE

TO: Gary Lien
 AND TO: Clerk of the Court

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that Don Barnett and Barbara Barnett, Community Chapel Bible Training, hereby appear in the above-entitled cause by the undersigned attorneys and requests that all further papers and pleadings herein, except original process, be served upon the undersigned at the address below stated.

DATED this 30th day of October, 1987.

LEACH, BROWN AND ANDERSEN

By James G. Leach
 JAMES G. LEACH
 Attorney for Defendant

NOTICE OF APPEARANCE - 1

LEACH, BROWN & ANDERSEN
 ATTORNEYS AT LAW
 4040 FIRST INTERSTATE CENTER
 999 THIRD AVENUE
 SEATTLE, WASHINGTON 98104
 (206) 583-2714

678

07 NOV 23 P 4 29

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

GARY LIEN, individually and as)
a parent of SCOTT LIEN and)
RANDY LIEN,)
Plaintiffs,)
vs.)

No. 86-2-18282-9

DON BARNETT and BARBARA BARNETT,)
husband and wife, COMMUNITY)
CHAPEL and BIBLE TRAINING)
CENTER, a non-profit)
association; JOHN DOE and JANE)
DOE I-XX; KATHY BUTLER, a)
married person,)
Defendants.)

NOTICE OF WITHDRAWAL AND
CONSENT TO SUBSTITUTION

RECEIVED
NOV 23 1987
ALVIN D. MAYHEW, JR.

TO: THE CLERK OF THE COURT, and

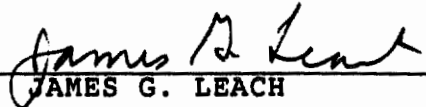
TO: GARY LIEN, Plaintiff

TO: ALVIN D. MAYHEW, JR. Attorney for Plaintiff

PLEASE TAKE NOTICE that MICHAEL W. BUGNI, hereby with-
draws as Attorney of Record for the above-named Defendants, and
consents to the substitution of JAMES G. LEACH of Leach, Brown &
Andersen, 4040 First Interstate Center, 999 Third Ave., Seattle,
WA 98104, as attorney for the above-named Defendants, and all
future pleadings in this matter should be directed to him at said
address.

DATED at Seattle, Washington, this 20th day of November,
1987.


MICHAEL W. BUGNI


JAMES G. LEACH

NOTICE OF WITHDRAWAL

MOREN, LAGESCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
11320 ROOSEVELT WAY N.E.
SEATTLE, WASHINGTON 98125
(206) 365-5500

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✓

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

GARY LIEN, individually and as)
a parent of SCOTT LIEN and)
RANDY LIEN,)

Plaintiffs,)

v.)

No. 86-2-18282-9

DON BARNETT and BARBARA)
BARNETT, husband and wife,)
COMMUNITY CHAPEL and BIBLE)
TRAINING CENTER, a non-profit)
association; JOHN DOE and)
JANE DOE I-XX; KATHY BUTLER,)
a married person,)

NOTICE OF APPEARANCE

Defendants.)

TO: Plaintiffs; and

TO: Alvin D. Mayhew, Jr., your attorney:

PLEASE TAKE NOTICE that the defendants named above, DON BARNETT and BARBARA BARNETT, hereby enter their Notice of Appearance in the above-entitled action, by and through their attorney of record, RODNEY D. HOLLENBECK, and request that all further pleadings or papers herein, except process, be served on their counsel at the address set out below.

DATED December 14, 1987.

EVANS CRAVEN & LACKIE, P.S.

By: Rodney D. Hollenbeck
RODNEY D. HOLLENBECK
Attorneys for Defendants Barnett

NOTICE OF APPEARANCE
15004707.NOA

Jye
Evans, Craven & Lackie, P.S.
LAWYERS

34th FLOOR COLUMBIA CENTER, 701 - 5th AVENUE
SEATTLE WASHINGTON 98104

(206) 386-5555

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

GARY LIEN, individually and)
as parent of SCOTT LIEN)
and RANDY LIEN)

NO. 86 2 18282 9

Plaintiffs)

vs.)

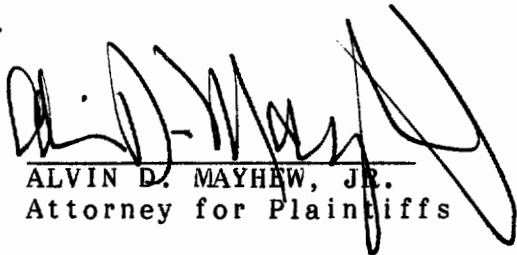
DON BARNETT AND BARBARA)
BARNETT, husband and wife;)
COMMUNITY CHAPEL and BIBLE)
TRAINING CENTER, a non-)
profit association; JOHN)
DOE and JANE DOE I-XX;)
KATHY BUTLER, a married)
person.)

MOTION AND AFFIDAVIT
FOR DEFAULT

Defendants)

MAR 25 1986
CLERK OF COURT
KING COUNTY
SUPERIOR COURT

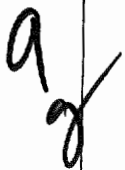
COMES NOW, ALVIN D. MAYHEW, JR., attorney for the Defendants' herein, and moves the above-entitled Court for an Order adjudging the defendants herein to be in default for their failure to plead.


ALVIN D. MAYHEW, JR.
Attorney for Plaintiffs

STATE OF WASHINGTON)
County of Pierce)

ALVIN D. MAYHEW, JR., being first duly sworn on oath, deposes and says:

ALVIN D. MAYHEW, JR., INC. P.S.
ATTORNEYS AT LAW
1016 MAIN STREET
SUMNER, WA
98390
(206) 863-2288

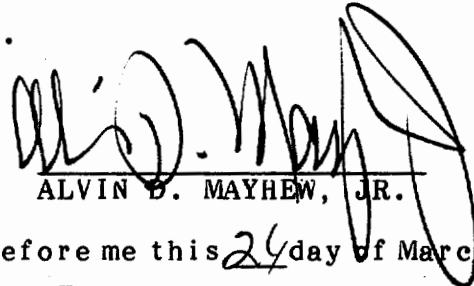


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1. That I am the attorney for the Plaintiffs herein, and make this affidavit for the purpose of serving an Order of Default against the defendants.

2. That said defendants were duly served a Summons and Complaint for Personal injuries and damages on the 2nd day of September, 1987; and 4th day of September, 1987; as appears from the files herein.

3. That no pleading has been served or filed by the defendants and that more than twenty (20) days has elapsed since the date of service and defendants are now in default for their failure to plead.


ALVIN D. MAYHEW, JR.

SUBSCRIBED & SWORN to before me this 24 day of March, 1988.


NOTARY PUBLIC in and for the State of Washington, residing in Sumner.

King
IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON
NOTE OF ISSUE AND STATEMENT OF ARBITRABILITY

FILED
MAR 25 1988

No. 86 2 18282 9 Department _____

Gary Lien et ux

Plaintiff

vs.

Don Barnett et al, et ux

Defendant

Alvin D. Mayhew, Jr.

Plaintiff's Attorney

Rodney Hollenbeck
James Leach

Defendant's Attorney

Nature of Cause Motion and Affidavit for Default

Jury Trial - Yes 6 Jurors 12 Jurors No

Time required to try Cause _____ days 15 min _____ hours

This case is subject to arbitration because the sole relief sought is a money judgment and involves no claim in excess of fifteen thousand dollars exclusive of attorney fees, interests and costs.

This case is not subject to mandatory arbitration because:

- Plaintiff's claim exceeds fifteen thousand dollars.
- Plaintiff seeks relief other than a money judgment.
- Defendant's counter or cross claim exceeds fifteen thousand dollars.
- Defendant's counter or cross claim seeks relief other than a money judgment.

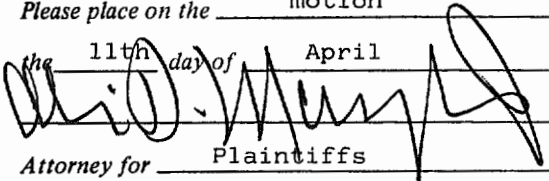
The undersigned contends that its claim exceeds fifteen thousand dollars but hereby waives any claim in excess of fifteen thousand dollars for purposes of arbitration.

ABOVE INFORMATION MUST BE COMPLETED

To the Clerk:

Please place on the _____ motion _____ docket which is to be called on

the 11th day of April 19 88



Attorney for Plaintiffs Phone No: 863-2286

Due and sufficient service of foregoing acknowledged this _____ day of _____ 19 _____

Attorneys for _____

Assigned to Department No. _____ this

_____ day of _____ 19 _____

Docket Clerk

10
8

Alvin D. Mayhew, Jr.
Attorney at Law
1016 Main Street
Sumner, Wa 98390

James Leach
Attorney at Law
4040 First Interstate Center
Seattle, Wa 98104

~~George Kargianis
Attorney at Law
47th Floor Columbia Center
701 5th Ave
Seattle, Wa 98104~~

Rodney Hollenbeck
Attorney at Law
34th Floor Columbia Center
701 5th Ave
Seattle, Wa 98104

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

GARY LIEN, individually and) NO. 86 2 18282 9
as parent of SCOTT LIEN)
and RANDY LIEN)

Plaintiffs)

vs.)

DON BARNETT AND BARBARA) AFFIDAVIT OF MAILING
BARNETT, husband and wife;)
COMMUNITY CHAPEL and BIBLE)
TRAINING CENTER, a non-)
profit association; JOHN)
DOE and JANE DOE I-XX;)
KATHY BUTLER, a married)
person.)

Defendants)

STATE OF WASHINGTON)
§
County of Pierce)

PAM MAYHEW, being first duly sworn on oath, deposes and says:

That I am the secretary for Alvin D. Mayhew, Jr.; that on the 24th day of March, 1988, I mailed copies of the following documents in a properly stamped, addressed envelope as follows:

James Leach
Attorney at Law
4040 First Interstate Center
Seattle, Wa 98104

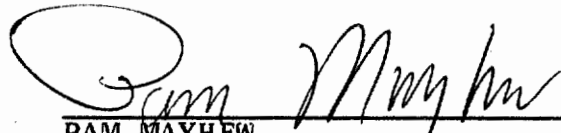
MAR 25 11:00 AM

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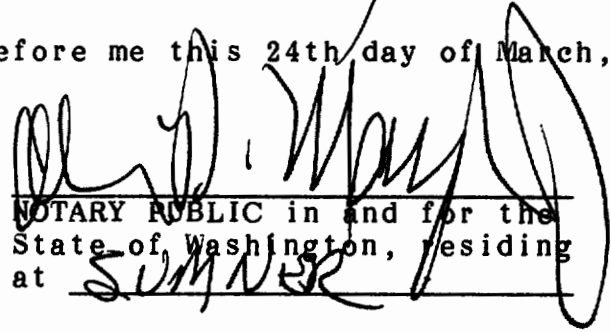
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Rodney Hollenbeck
Attorney at Law
34th Floor Columbia Center
701 5th Ave
Seattle, Wa 98104

Motion and Affidavit for Default and Note of Issue for
April 11, 1988.


PAM MAYHEW

SWORN AND SUBSCRIBED before me this 24th day of March,
1988.


NOTARY PUBLIC in and for the
State of Washington, residing
at SUMNER

ALVIN D. MAYHEW, JR., INC., P.S.
ATTORNEYS AT LAW
1016 MAIN STREET
SUMNER, WA
98390
(206) 863-2266

COPY RECEIVED

1988

APR 08 1988

Leach, Brown & Andersen

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

GARY LIEN, individually and)
as parent of SCOTT LIEN and)
RANDY LIEN,)

Plaintiff,)

v.)

No. 86-2-18282-9

DON BARNETT and BARBARA BARNETT,)
husband and wife; COMMUNITY)
CHAPEL AND BIBLE TRAINING)
CENTER, a non-profit)
association; JOHN DOE and JANE)
DOE, I-XX; KATHY BUTLER, a)
married person,)

BARNETTS' ANSWER TO
PLAINTIFF'S COMPLAINT

Defendants.)

COME NOW defendants Barnett, through counsel, and for answer to plaintiff's complaint admit, deny and allege as follows:

ANSWER

I

Defendants Barnett admit the allegations contained in paragraph 1.2, 1.3 and 2.4.

II

Defendants Barnett deny the allegations contained in paragraphs 1.1, 1.4, 1.5, 2.1, 2.2, 2.3, 2.5, 2.7 and 2.9 not having sufficient knowledge upon which to form a belief as to the truth thereof.

III

Defendants Barnett deny the allegations contained in paragraphs 2.6, 2.8, 3.2, 3.3, 4.2, 4.3, 5.2, 5.3, 6.2, 6.3, 7.2, 7.3, 8.2, 8.3 and 8.4.

BARNETTS' ANSWER TO COMPLAINT : 1
15004912.20

Evans, Craven & Lackie, P.S.
LAWYERS

34th FLOOR COLUMBIA CENTER, 701 - 5th AVENUE
SEATTLE WASHINGTON 98104

(206) 386-5555

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IV

Defendants Barnett reallege their answer herein and further deny any allegations contained in paragraphs 3.1, 4.1, 5.1, 6.1, 7.1 and 8.1.

FOR FURTHER ANSWER and by way of affirmative defenses, defendants Barnett allege as follows:

AFFIRMATIVE DEFENSES

I

Plaintiffs have failed to mitigate their damages, if any.

II

Defendants' actions are privileged under section 5 and section 11 of Article 1 of the Constitution of the State of Washington; amendment 4, and amendment 34 of the Constitution of the State of Washington; amendment 1 to the Constitution of the United States of America; and amendment 14 to the Constitution to the United States of America.

III

Defendants are immune from liability through corporate entities.

IV

Plaintiff has failed to state a claim upon which relief can be granted.

V

Each and every cause of action is barred by the statute of limitations.

VI

Plaintiff's damages, if any, were in whole or in part caused by plaintiff Gary Lien's own actions and contributory fault.

BARNETTS' ANSWER TO COMPLAINT : 2
15004912.20

Evans, Craven & Lackie, P.S.

LAWYERS

34th FLOOR COLUMBIA CENTER, 701 - 5th AVENUE
SEATTLE WASHINGTON 98104

(206) 386-5555

VI

1
2 Plaintiff's damages, if any, were caused by third parties
3 over whom these defendants had no control and defendants
4 liability, if any, is limited by their own degree of fault.
5

6 FOR FURTHER ANSWER and by way of counterclaim, defendants
7 Barnett allege as follows:

8 COUNTERCLAIM

9 I

10 Plaintiff's cause of action against these defendants is
11 frivolous and advanced without reasonable cause and defendants
12 are therefore entitled to reasonable expenses, including
13 attorney's fees incurred in defending this action pursuant to RCW
14 4.84.185.
15

16 FOR FURTHER ANSWER and by way of cross-claim, defendants
17 Barnett allege as follows:

18 CROSS-CLAIM

19 I

20 Plaintiffs' damages, if any, were caused by co-defendants
21 herein, and defendants are entitled to contribution and/or
22 indemnity.
23

24 WHEREFORE, having fully answered plaintiff's complaint,
25 asserted affirmative defenses, their counterclaim and cross-claim
26 thereto, these defendants pray for relief as follows:

27 1. Plaintiff's complaint be dismissed with prejudice and
28 without costs and plaintiff take nothing thereby.
29

30
31 BARNETTS' ANSWER TO COMPLAINT : 3
32 15004912.20

Evans, Craven & Lackie, P.S.

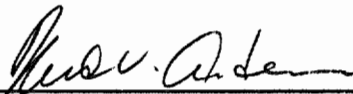
LAWYERS

34th FLOOR COLUMBIA CENTER, 701 - 5th AVENUE
SEATTLE WASHINGTON 98104

(206) 386-5555

1 4. Each and every cause of action is barred by the statute
2 of limitations.

3 LEACH, BROWN & ANDERSEN

4 
5 _____
6 DAVID V. ANDERSEN
7 Attorney for Defendant
8 Community Chapel & Bible
9 Training Center

7 *J. H. Du Bois*

8 I, ~~E. SCOTT HARTLEY~~, as a Director of Defendant Community
9 Chapel and Bible Training Center, declare under penalty of perjury
10 according to the laws of the State of Washington in Seattle, that
11 I have read the foregoing Answer, know the contents thereof, and
12 believe the same to be true and correct.

13 Date: 4/6/88

13 
14 _____
15 ~~E. SCOTT HARTLEY~~

24 ANSWER OF COMMUNITY CHAPEL &
25 BIBLE TRAINING CENTER - 2

~~I declare under the penalty of perjury that on [redacted] I mailed a copy of the attached to [redacted] postage prepaid.~~

I declare under the penalty of perjury that on 04/25/88 I mailed a copy of the attached to Alvin D. Mayhew, Jr. postage prepaid.

1988 APR 25 11 40

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

6 GARY LIEN, Individually and)
7 as parent of SCOTT LIEN and)
8 RANDY LIEN,)

NO. 86-2-18282-9

9 Petitioner,)

10 vs.)

NOTICE OF ATTORNEY'S
WITHDRAWAL AND SUBSTITUTION

11 DON BARNETT and BARBARA)
12 BARNETT, husband and wife;)
13 COMMUNITY CHAPEL AND BIBLE)
14 TRAINING CENTER, a non-profit)
15 association; JOHN DOE and)
16 JANE DOE, I-XX; KATHY BUTLER,)
17 a married person,)

18 Defendants.)

19 TO: ALVIN D. MAYHEW, JR.

20 AND TO: GARY LIEN

21 NOTICE IS HEREBY GIVEN that JAMES G. LEACH has withdrawn as
22 attorney for DONALD L. BARNETT AND BARBARA BARNETT, the
23 Defendants, effective the 1st day of April, 1988, and has been
24 substituted by RODNEY D. HOLLENBECK of EVANS, CRAVEN & LACKIE,
25 P.S., as attorney for said Defendants.

DATED this 1st day of April, 1988.

Withdrawing Attorney:

Substituting Attorney:

26 James G. Leach
27 JAMES G. LEACH
28 Leach, Brown & Andersen
29 4040 First Interstate Center
30 Seattle, Washington 98104
31 (206) 583-2714

Rodney D. Hollenbeck
RODNEY D. HOLLENBECK
34th Floor, Columbia Center
701 - 5th Avenue
Seattle, Washington 98104
(206) 624-7990

NOTICE OF ATTORNEY'S
WITHDRAWAL AND SUBSTITUTION - 1

LEACH, BROWN & ANDERSEN
ATTORNEYS AT LAW
4040 FIRST INTERSTATE CENTER
999 THIRD AVENUE
SEATTLE, WASHINGTON 98104
12061 583-2714

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RECEIVED

JUL 29 1988

MOREN,
CORNELL & HANSEN, P.S.

FILED

JUL 29 11 30 AM '88

SUPERIOR COURT CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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|-------------------------------|---|----------------------|
| GARY LIEN, individually and |) | |
| as a parent of SCOTT LIEN |) | |
| and RANDY LIEN, |) | |
| |) | |
| |) | Plaintiffs, |
| |) | NO. 86-2-18282-9 |
| |) | |
| v. |) | |
| |) | |
| DON BARNETT and BARBARA |) | DEFENDANTS BARNETT'S |
| BARNETT, husband and wife; |) | MOTION TO DISMISS |
| COMMUNITY CHAPEL AND BIBLE |) | |
| TRAINING CENTER, a non-profit |) | |
| association; JOHN DOE and |) | |
| JANE DOE I-XX; KATHY BUTLER, |) | |
| a married person, |) | |
| |) | |
| |) | Defendants. |

1. Relief Sought. Defendants Barnett move for an Order pursuant to CR 12(b) dismissing this action.
2. Grounds. The complaint fails to state a claim on which relief can be granted. CR 12(b)(6).
3. Basis. The basis for this motion is contained in the attached memorandum of points and authorities.

DATED this 25th day of July, 1988.

EVANS CRAVEN & LACKIE, P.S.

By Rodney D. Hollenbeck
 Rodney D. Hollenbeck
 Attorneys for Defendants Barnett

MOTION TO DISMISS
15004912.102

Evans, Craven & Lackie, P.S.
LAWYERS

1000 COLUMBIA CENTER, 201 5th AVENUE
SEATTLE, WASHINGTON 98101

(206) 386-5555

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JUL 29 1988

MOREN,
CORNELL & HANSEN, P.S

FILED

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SUPERIOR COURT CLERK
SEATTLE, WA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

GARY LIEN, individually and)
as a parent of SCOTT LIEN)
and RANDY LIEN,)

Plaintiffs,)

NO. 86-2-18282-9

v.)

DON BARNETT and BARBARA)
BARNETT, husband and wife;)
COMMUNITY CHAPEL AND BIBLE)
TRAINING CENTER, a non-profit)
association; JOHN DOE and)
JANE DOE I-XX; KATHY BUTLER,)
a married person,)

Defendants.)

NOTE FOR MOTION

TO: THE CLERK OF COURT, and to all parties named below:

PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the Civil Motion Calendar.

DATE OF HEARING: AUGUST 12, 1988
TIME OF HEARING: 9:30 A.M.
PLACE OF HEARING: KING COUNTY COURTHOUSE
NATURE OF MOTION: MOTION TO DISMISS

DATED: JULY 29, 1988

EVANS CRAVEN & LACKIE, P.S.
3100 Columbia Center
Seattle, WA 98104
386-5555

By Tim Donahue
RODNEY D. HOLLENBECK
Attorneys for Defendants Barnett

NOTE FOR MOTION -1

Evans, Craven & Lackie, P.S.
LAWYERS

3100 COLUMBIA CENTER, 3RD FLOOR, AVENUE
SEATTLE, WASHINGTON 98104

(206) 386-5555

OTHER PARTIES REQUIRING NOTICE:

Alvin D. Mayhew, Jr.
Attorneys for Plaintiff
1016 Main Street
Sumner, WA 98390

Michael W. Bugni
Attorney for Defendants
11320 Roosevelt Way NE
Seattle, WA 98133

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Evans, Craven & Lackie, P.S.

LAWYERS

SUITE 3100 COLUMBIA CENTER, 701 5th AVENUE
SEATTLE, WASHINGTON 98104

(206) 386-5555

RECEIVED

JUL 29 1988

MOREN,
CORNELL & HANSEN, P.S.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

GARY LIEN, individually and)
as a parent of SCOTT LIEN)
and RANDY LIEN,)

Plaintiffs,)

v.)

DON BARNETT and BARBARA)
BARNETT, husband and wife;)
COMMUNITY CHAPEL AND BIBLE)
TRAINING CENTER, a non-profit)
association; JOHN DOE and)
JANE DOE I-XX; KATHY BUTLER,)
a married person,)

Defendants.)

NO. 86-2-18282-9

MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT OF DEFENDANTS
BARNETT'S MOTION TO DISMISS

Defendants Don and Barbara Barnett present the following memorandum of points and authorities in support of their motion to dismiss.

I. RELIEF REQUESTED

Defendants move for an order pursuant to CR 12 (b) (6) dismissing this action.

II. STATEMENT OF FACTS

Plaintiff's complaint was filed in the above entitled action on July 31, 1986. At this time, no guardian ad litem has been named or appointed for the minor plaintiff's. The following facts are alleged in the complaint: That prior to 1975 defendant Kathy Butler (f/k/a Kathy Lien) and plaintiff Gary Lien were

MEMORANDUM -1
SB 15004912.103

Evans, Craven & Lachic, P.S.

LAWYERS

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SEATTLE, WASHINGTON 98104

(206) 386-5555

1 husband and wife; that Kathy Butler and Gary Lien were members of
2 the Community Chapel and Bible Training Center, and as members
3 they met and became friends with Community Chapel and Bible
4 Training Center pastor Don Barnett; that sometime in 1972 Don
5 Barnett began making sexual advances toward Kathy Butler, and
6 that as a result of these advances, Kathy Butler and Gary Lien
7 were divorced; Gary Lien claims that on April 22, 1986 he
8 discovered that his divorce from Kathy Butler was caused by Don
9 Barnett's alleged sexual advances. Based upon these facts,
10 plaintiff Gary Lien has asserted causes of action for pastoral
11 malpractice; loss of consortium; intentional infliction of
12 emotional distress or outrage, against Don Barnett and
13 vicariously against the Community Chapel and Bible Training
14 Center and John and Jane Does I-XX.

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20 III. Failure to State a Claim Upon Which Relief Can Be Granted

21 A complaint can be dismissed for failure to state a claim
22 upon which relief can be granted where it is clear beyond doubt
23 from reading the complaint that the plaintiff can prove no set of
24 facts in support of his claim which would entitle him to relief.
25 Higgins v. State, 70 Wn.2d 323, 325, 422 P.2d 836 (1967).

26
27 The question of whether a pleading states a claim upon which
28 relief can be granted is a legal one, and the facts are

29
30
31 MEMORANDUM -2
32 SB 15004912.103

Evans, Craven & Lachic, P.S.

LAWYERS

SUITE 3100 COLUMBIA CENTER 701 3RD AVENUE
SEATTLE, WASHINGTON 98104

(206) 386-5555

1 considered only as a conceptual background for the legal
2 determination. Contreras v. Crown Zellerbach Corp., 88 Wn.2d
3 735, 565 P.2d 1173 (1977). Where it is clear from the complaint
4 that the allegations set forth do not support a claim, dismissal
5 is proper. Berge v. Gorton, 88 Wn.2d 576, 567 P.2d 187 (1977).
6

7
8 **A. Plaintiffs' Claims are Barred by Statutes of**
9 **Limitation**

10 The period of time set forth for bringing suit in an action
11 based on an intentional tort is two years. RCW 4.16.100. The
12 period of time set forth for bringing suit for an action based in
13 negligence is three years. RCW 4.16.080. Statutes of Limitation
14 serve to promote and protect important societal interests. As
15 one court noted, there is nothing inherently unjust about a
16 statute of limitations:
17
18

19 In applying the statutes of limitations, the courts
20 have made many assumptions. Stale claims, from their
21 very nature, are more apt to be spurious than fresh;
22 old evidence is more likely to be untrustworthy than
23 new. Time dissipates and erodes the memory of
24 witnesses and their abilities to accurately describe
25 the material events. ... Finally, and not to be
26 ignored, is the basic philosophy underlying the idea
27 that society itself benefits, except in capital cases,
28 when there comes a time to everyone, be it long or
29 short, that one is freed from the fears and burdens of
30 threatened litigation.

31 Ruth v. Dight, 75 Wn.2d 660, 664-65, 453 P.2d 631 (1969).
32

MEMORANDUM -3
SB 15004912.103

Evans, Craven & Luckie, P.S.

LAWYERS

SUITE 3100 COLUMBIA CENTER, 201 5th AVENUE
SEATTLE, WASHINGTON 98101

(206) 386-5555

1 Plaintiff Gary Lien sets forth several dates relevant to the
2 running of the statute of limitations in his complaint. Paragraph
3 2.6 of the complaint alleges that Don Barnett began making sexual
4 advances towards Kathy Butler some time in 1972. Paragraph 2.7
5 states that in 1975 Kathy Butler and Gary Lien were separated. As
6 the attached Decree of Dissolution shows, Gary Lien and Kathy
7 Butler were eventually divorced on March 16, 1977 (see Exhibit
8 A). Paragraph 2.9 of the complaint states that Gary Lien learned
9 of Don Barnett's alleged sexual advances on April 22, 1986 and on
10 that date also learned that these alleged events were the cause
11 of the breakup of his marriage with Kathy Butler.
12

13 Plaintiff's causes of action for pastoral malpractice,
14 outrage/intentional infliction of emotional distress, and loss of
15 consortium are all derived from the occurrences dating between
16 1972 and the date of the divorce on March 16, 1977. Thus, all of
17 the causes of action in plaintiff's complaint are barred by
18 either the two or three year statutes of limitation. Accordingly,
19 the complaint should be dismissed for failing to state a claim
20 upon which relief can be granted.
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31 MEMORANDUM -4
32 SB 15004912.103

Evans, Craven & Luckie, P.S.
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SEATTLE, WASHINGTON 98104

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1 **B. Minor Plaintiffs' Failure to Appoint a Guardian ad Litem,**
2 **and Principles of Judicial Comity Require that Minor**
3 **Plaintiffs' Claims be Dismissed.**

4 Minor Plaintiffs Randy and Scott Lien do not have a guardian
5 ad litem in this action. RCW 4.08.050 mandates the appointment of
6 a guardian ad litem for minor plaintiffs as follows, "When the
7 infant is plaintiff, upon the application of the infant, if he be
8 of the age of 14 years, or if under that age, upon the
9 application of a relative or friend of the infant." Without a
10 guardian ad litem, minor plaintiffs may not maintain an action.
11 Newell v. Ayers, 23 Wn.App. 767, 771, 598 P.2d 3 (1979); Mezere
12 v. Flory, 26 Wn.2d 274, 278, 173 P.2d 776 (1946).
13 Newell v. Ayers, 23 Wn.App. 767, 771, 598 P.2d 3 (1979); Mezere
14 v. Flory, 26 Wn.2d 274, 278, 173 P.2d 776 (1946).
15

16 The recent case of, Council on Adoptable Children v. DSHS,
17 108 Wn.2d 433, 739 P.2d 677 (1987), discussed guardians ad
18 litem. The court stated that the purpose of the guardian ad
19 litem is "to represent the best interests of the infant and to
20 advise the court fairly." Id. at 438. The court in Council
21 dismissed the plaintiff's motion for appointment as a guardian ad
22 litem for minors who were eligible for adoption. The court based
23 its decision in part on the fact that almost all of the minors
24 already had guardians ad litem who were representing their
25 interests. Id. at 439. Reading RCW 4.08.050 literally, the
26 court also noted that none of the eligible children over the age
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31 MEMORANDUM -5
32 SB 15004912.103

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1 of 14 had asked for the plaintiff to be appointed as their
2 guardian ad litem. Id. Absent an official appointment as
3 guardian ad litem, even an eligible adult cannot assert a minor
4 plaintiff's claims.
5

6 Plaintiffs Randy and Scott Lien are both over the age of 14,
7 and are thus statutorily enabled to name a guardian ad litem to
8 represent them in court. RCW 4.08.050. Neither have done so in
9 this action. Without an official appointment as guardian ad
10 litem, Gary Lien cannot assert Randy or Scott's claims in this
11 case. However, both Randy and Scott Lien have named a guardian ad
12 litem to assert their claims in a separate action, against the
13 same defendants, on the same underlying facts.
14

15
16
17 When the jurisdiction of two courts is invoked concerning
18 the same subject of controversy, the court first obtaining
19 jurisdiction has the power to decide the dispute to the
20 exclusion of later courts. In re Freitas, 53 Wn. 2d 722, 727, 336
21 P. 2d 865 (1959). This principle of judicial comity is important
22 to the fair resolution of disputes, "it is enforced to prevent
23 unseemly, expensive and dangerous conflicts of jurisdiction and
24 of process." Id. at 728. In the other case the minor plaintiffs
25 are party to, Butler v. Barnett, No. 86-2-18176-8 (King Co. Sup.
26 Ct. filed July 31, 1986), Randy and Scott Lien have named their
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31 MEMORANDUM -6
32 SB 15004912.103

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SEATTLE, WASHINGTON 98101

(206) 386-5555

1 mother, Kathy Lee Butler, as their guardian ad litem. Although
2 both cases were filed on July 31, 1986, this court should decline
3 adjudicating the minor plaintiffs' claims to ensure a consistent
4 and just resolution of the dispute. The minor plaintiffs have
5 spoken as to which forum they want their claims heard, and have
6 already named a guardian ad litem to represent their interests in
7 those claims in the other case.
8
9

10 In summation, the case law and statutes on point indicate
11 several reasons why the minor plaintiffs' claims should be
12 dismissed. First, minor plaintiffs cannot maintain an action
13 without the appointment of a guardian ad litem, and they have not
14 appointed one in this action. Second, plaintiffs Randy and Scott
15 Lien have already named their custodial mother as their guardian
16 ad litem to represent their best interests in another suit
17 against the same defendants, on the same underlying facts. Thus,
18 for purposes of comity this court should not decide those same
19 issues here. Third, Gary Lien has not been requested to serve as
20 guardian ad litem by either Randy or Scott Lien and thus has no
21 capacity or standing to assert their alleged claims here. For
22 these foregoing reasons, the minor plaintiffs claims should be
23 dismissed for failure to state a claim upon which relief can be
24 granted.
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31 MEMORANDUM -7
32 SB 15004912.103

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IV. ATTORNEY'S FEES

Attorney's Fees and expenses can be recovered by the prevailing party in an action if such a recovery is authorized by statute, by an agreement of the parties, or upon a recognized equitable ground. Crane Towing, Inc. v. Gorton, 89 Wn. 2d 161, 176, 570 P.2d 428, 97 A.L.R. 3d 482 (1977). In the instant case such authority for awarding attorney fees and expenses is provided by RCW 4.84.030, RCW 4.84.185, and CR 11. RCW 4.84.050 allows the prevailing party in an action to recover costs, and similarly RCW 4.08.185 allows for the prevailing party to recover costs for having to defend a frivolous action. Under CR 11, a court can sanction an attorney for asserting claims not supported by existing law, and award reasonable expenses to the opposing counsel.

Because Plaintiff Lien's claims are frivolous and are not supported by existing law, nor a good faith argument for the extension, modification or reversal of existing law, this suit has unnecessarily delayed this court. By being forced to defend this action, defendants have incurred great cost, and suffered needless humiliation. As such, an award against Plaintiff Gary Lien and his attorney in this action for reasonable expenses

MEMORANDUM -8
SB 15004912.103

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1 incurred by Defendant Don Barnett for costs and attorney's fees
2 is appropriate.
3

4 V. CONCLUSION

5 As the proceeding discussion of points and authorities
6 dictates plaintiff Gary Lien's claims of pastoral malpractice,
7 outrage/intentional infliction of emotional distress, and loss of
8 consortium should be dismissed as being time barred. Furthermore,
9 the minor plaintiffs' claims should be dismissed for their
10 failure to appoint a guardian ad litem and for reasons of
11 judicial comity. For the foregoing reasons, defendants Barnett's
12 motion to dismiss should be granted pursuant to CR 12 (b) (6).
13
14

15 VI. ORDER

16 A form of the proposed order is attached.

17 DATED this 28th day of July, 1988.
18
19

20 EVANS CRAVEN & LACKIE, P.S.

21
22 By Rodney D. Hollenbeck
23 Rodney D. Hollenbeck
24 Attorneys for Defendants Barnett
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31 MEMORANDUM -9
32 SB 15004912.103

Evans, Craven & Lackie, P.S.
LAWYERS

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SEATTLE, WASHINGTON 98104

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FILED

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JUL 29 1988

MOREN,
CORNELL & HANSEN, P.S.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

GARY LIEN, individually and)
as a parent of SCOTT LIEN)
and RANDY LIEN,)

Plaintiffs,)

NO. 86-2-18282-9

v.)

AFFIDAVIT OF
RODNEY D. HOLLENBECK

DON BARNETT and BARBARA)
BARNETT, husband and wife;)
COMMUNITY CHAPEL AND BIBLE)
TRAINING CENTER, a non-profit)
association; JOHN DOE and)
JANE DOE I-XX; KATHY BUTLER,)
a married person,)

Defendants.)

STATE OF WASHINGTON)
COUNTY OF KING) ss.

RODNEY D. HOLLENBECK, being first duly sworn on oath,
deposes and says:

The attached Exhibit A is a true and correct copy of the
final Decree of Dissolution in the Lien Divorce Proceedings.

FURTHER, YOUR AFFIANT SAYETH NOT.

Rodney D. Hollenbeck
RODNEY D. HOLLENBECK

SUBSCRIBED AND SWORN TO before me this 27th day of July,
1988.

Susan McWhorter
NOTARY PUBLIC in and for the State
of Washington, County of King.
My Commission Expires: 12/20/91

15004912.AF2

AFFIDAVIT OF RODNEY D. HOLLENBECK

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Evans, Craven & Lachic, P.S.
LAWYERS

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SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF KING

In re the Marriage of)
KATHERINE LEE LIEN,)
Petitioner,)
and)
GARY WILLIAM LIEN,)
Respondent.)

NO. D-89397
DECREE OF DISSOLUTION

THIS MATTER having come before the undersigned Judge of the above-entitled Court upon a Petition for Dissolution of Marriage sought by the Wife and the Court having heretofore conducted a hearing upon said Petition and entered its Findings upon the allegations of such Petition, and the Court being advised in the premises, now, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That the marriage of the parties on the 24th day of August, 1970, at Seattle, Washington, is hereby dissolved.
2. The names and ages of the dependent children are as follows:

Scotty William Lien, born April 6, 1971
Randy William Lien, born March 5, 1974

That the petitioner, KATHERINE LEE LIEN, is hereby awarded the care, custody, and control of the minor children of the parties, subject to reasonable rights of visitation in the respondent. That the petitioner, KATHERINE LEE LIEN shall not change the residence of the children from King or Pierce County in the State of Wash-

DECREE OF DISSOLUTION

1 Wanted, without the petition being filed, to be granted to
2 LIEN, or of this Court. That the respondent, GARY WILLIAM
3 shall retain physical possession of the child, SCOTTY WILLIAM
4 LIEN until the 11th day of June, 1977, and shall have no support
5 obligation until such time.

6
7 3. That the respondent, GARY WILLIAM LIEN, shall pay
8 to the petitioner, KATHERINE LEE LIEN, for the support of the
9 minor children of the parties the sum of \$50.00 per month per
10 child until said children shall reach the age of majority
11 or be sooner emancipated, said payments to be made to the
12 Registry of the King County Clerk's Office, Child Support Division.

13 4. That the petitioner, KATHERINE LEE LIEN, is hereby
14 awarded as her sole and separate property all items of personal
15 property in her possession, including whatever assets she has
16 acquired since the date of separation, to-wit, November 6, 1975,
17 together with any and all pension, retirement, and/or social security
18 benefits that may be available to her and any life insurance she
19 may have on her life.

20 5. That the respondent, GARY WILLIAM LIEN, is hereby
21 awarded as his sole and separate property all items of personal
22 property in his possession, including whatever assets he has
23 acquired since the date of separation, to-wit, November 6, 1975,
24 together with any and all pension, retirement, and/or social security
25 benefits that may be available to him and any life insurance he
26 may have on his life, subject to his naming the minor children of
27 the parties as beneficiaries thereon during their minority.

28 6. That the respondent, GARY WILLIAM LIEN, is hereby
29 awarded any right, title, and interest the parties might have in the
30 following described realty:

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lots 15, and 16, Block 36, Southern Pacific Land Co's
Huntington Park Addition to Des Moines, According to
plat recorded in Volume 4 of plats, page 24, in King
County, WA. TOGETHER with the N half of vacated South
207th Street adjoining. SUBJECT TO Easements, re-
strictions and reservations of record.

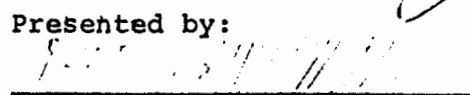
7. That the petitioner, KATHERINE LEE LIEN, shall be
responsible for any debts incurred by her subsequent to the date of
separation, to-wit, November 6, 1975, and she shall hold the
respondent harmless therefrom.

8. That the respondent, GARY WILLIAM LIEN shall be
responsible for any debts incurred by him subsequent to the date of
separation, to-wit, November 6, 1975, and he shall hold the
petitioner harmless therefrom.

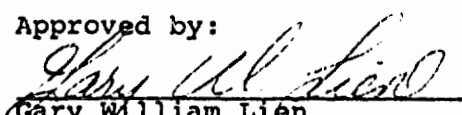
DONE IN OPEN COURT this ____ day of March,
1977.



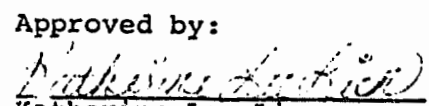
JUDGE, COURT COMMISSIONER

Presented by:


of HAMMERMASTER & ROBBINS
Attorneys for Respondent.

Approved by:


Gary William Lien
Respondent.

Approved by:


Katherine Lee Lien
Petitioner.

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 MOREN,
 CORNELL & HANSEN, P.S.
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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

GARY LIEN, individually and)
 as a parent of SCOTT LIEN)
 and RANDY LIEN,)
)
 Plaintiffs,) NO. 86-2-18282-9
)
 v.)
)
 DON BARNETT and BARBARA) DEFENDANTS BARNETT'S
 BARNETT, husband and wife;) AMENDED NOTE FOR
 COMMUNITY CHAPEL AND BIBLE) HEARING ON MOTION
 TRAINING CENTER, a non-profit) TO DISMISS
 association; JOHN DOE and)
 JANE DOE I-XX; KATHY BUTLER,)
 a married person,)
)
 Defendants.)

TO: THE CLERK OF COURT, and to all parties named below:

PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the Civil Motion Calendar.

DATE OF HEARING: AUGUST 22, 1988
 TIME OF HEARING: 9:30 A.M.
 PLACE OF HEARING: KING COUNTY COURTHOUSE
 NATURE OF MOTION: MOTION TO DISMISS

DATED: AUGUST 8, 1988

EVANS CRAVEN & LACKIE, P.S.
 3100 Columbia Center
 Seattle, WA 98104
 386-5555

By Rodney D. Hollenbeck
 RODNEY D. HOLLENBECK
 Attorneys for DEFENDANTS BARNETT

AMENDED NOTE FOR MOTION

Evans, Craven & Lackie, P.S.
 LAWYERS

1 OTHER PARTIES REQUIRING NOTICE:

2 Alvin D. Mayhew, Jr.
3 Attorneys for Plaintiff
4 1016 Main Street
5 Sumner, WA 98390

6 Michael W. Bugni
7 Attorney for Defendants
8 11320 Roosevelt Way NE
9 Seattle, WA 98133

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31 AMENDED NOTE FOR MOTION
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Evans, Craven & Lachic, P.S.

LAWYERS

SUITE 3100 COLUMBIA CENTER, 701 5th AVENUE
SEATTLE WASHINGTON 98104

(206) 386-5555

FILED

AUG 15 2 19 1988

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

GARY LIEN, individually and) NO. 86-2-18282-9
as a parent of SCOTT LIEN)
and RANDY LIEN)

Plaintiffs)

v.)

DON BARNETT and BARBARA)
BARNETT, husband and wife;)
COMMUNITY CHAPEL AND BIBLE)
TRAINING CENTER, a non-)
profit association; JOHN)
DOE AND JANE DOE I-XX; KATHY)
BUTLER, a married person)

PLAINTIFF'S MEMORANDUM
IN OPPOSITION TO DEFENDANTS
BARNETT'S MOTION TO DISMISS

Defendants)

I. STATUTE OF LIMITATIONS:

Defendant's recitation of the facts is essentially correct. The acts complained of by plaintiff did occur between 1972 and March 16, 1976. However, as the affidavit of Kathy Butler and Gary Lien show, no disclosure of the reason for the divorce was ever disclosed to plaintiff until Kathy Butler delivered a copy of a written statement to him. The written statement is dated April 22, 1986.

Statutes of limitation do not begin to run until a cause of action has "accrued." . . . In most circumstances, a cause of action accrues when its holder has the right to apply to a court for relief. . . . Actual loss or damage is an essential element in the formulation of the traditional elements necessary for a cause of action in negligence. . . . The difficulty in applying this principle to statutes of limitation problems is created by conceptualization of when the damage has occurred. The mere danger of future harm, unaccompanied by present damage, will not support a negligence action. . . . Until a plaintiff suffers appreciable harm as a consequence of negligence, he cannot establish a cause of action. Thus, although a right

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(206) 862-2286

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to recover nominal damages will not commence the period of limitation, the infliction of actual and appreciable damage will trigger the running of the statute of limitations. . . .

While in many instances damage occurs and the action accrues immediately upon the occurrence of the wrongful act, this is not always true. In circumstances where some harm is sustained, but the plaintiff is unaware of it, a literal application of the statute of limitations may result in grave injustice. Courts have avoided this consequence of older cases like Shaw by adopting the fictions of continuing negligence, fraudulent concealment or constructive fraud. There is now a wave of modern decisions which abandon these fictions and these simply hold that the statute will no longer be construed as intended to run until the plaintiff has in fact discovered that he has suffered injury or by the exercise of reasonable diligence should have discovered it. . . .

Bearing in mind that we are construing a limitations statute and not just a definition of a cause of action, the word "accrued" should be construed in a manner consistent with a prima facie purpose to compel the exercise of a right within a reasonable time without doing an avoidable injustice The rule holding a cause of action has not accrued until plaintiff has discovered that he has suffered injury or by the exercise of reasonable diligence should have discovered it, is designed to prevent such injustice.

Gazija v. Nicholas Jerns Co., 86 Wn. 2d 215, 219-220 (1975).

Even though Gary lien was divorced from Kathy Butler on March 16, 1977, he was not aware of the reason for the divorce. Moreover, there was no way for Gary Lien to find out the reason for the divorce. The divorce action was filed in 1976 under King County Cause No. D89397. This was approximately three years of the Dissolution Act of 1973 became law, or the so-called "no fault" divorce law. Under this statute, the only ground for dissolution of marriage is that the marriage

1 is "irretrievably broken." RCW 26.09.030. "Fault" is not
2 an issue. RCW 26.09.080. Thus any inquiry as to why the
3 marriage broke up would have been irrelevant.

4 The case cited by defendants in their memoranda in support
5 of the motion to dismiss, Ruth v. Dight, 75 Wn. 2d 660 (1969),
6 was a case which overruled earlier case law which applied the
7 statute of limitations in the manner argued by the defendant.
8 In addition to the policy considerations quoted by the
9 defendant, the Court stated:

10 But what happens to the concepts of fundamental fairness
11 and the common law's purpose to provide a remedy for
12 every genuine wrong when, from the circumstances of the
13 wrong, the injured party would not in the usual course
14 of events know he had been injured until long after the
15 statute of limitations had cut off his legal remedies?
16 Lindquist did not elucidate this aspect of the statute
17 nor seek to strike any kind of balance between two
18 possible harms - the harm of being deprived of a remedy
19 versus the harm of being sued. The problem thus remains
20 with the judiciary, for, unless the legislature has acted
21 definitively, the courts, as instruments of the common
22 law and in furtherance of this traditional role to prevent
23 injustice, should try to strike such a balance.

24 Id. at 665. It was these policy issues in the Ruth case which
25 were being discussed by the court in the Gazija case.

26 The statute of limitations is not the "straight jacket"
27 which the defense would argue it is. Rather, it is something
28 less rigid allowing for recovery after the statute had run.
In this instance, there is no dispute that Gary Lien did not
find out about the actions of the defendants until 1986. He
alleged in his complaint that he was not aware of the antics

1 of Don Barnett until then. Complaint, para. 2.9. The answer
2 of Defendants Barnett denied this allegation due to
3 insufficient knowledge. Barnett's answer, para. II.

4 II. STANDARDS FOR MOTIONS UNDER CR 12 (b) (6).

5 This is not a motion for summary judgment under CR 56, but
6 a motion to dismiss for failure to state a claim upon which
7 relief could be granted pursuant to CR 12 (b) (6). There are
8 significant differences in the standards to be applied to
9 motions brought under each rule. A motion made under CR 56
10 allows the parties to present additional evidence through
11 affidavits. A motion made pursuant to CR 12 (b) (6) is a
12 motion on the pleadings and no evidentiary matters outside
13 the pleadings may be considered unless the court permits such
14 evidence and the notice and pleading requirements are met for
15 summary judgment motions. Lightner v. Balou, 59 Wn. 2d 856
16 (1962).

17 Dismissal of a claim under Rule 12 (b) (6) is
18 appropriate "only if it can be said that there is
19 no state of facts which the plaintiff could prove
20 in support of entitling him to relief under his
21 claim." Gold Seal Chinchillas, Inc., v. State, 69
22 Wn. 2d 828, 830, 420 P. 2d 698 (1966). See also
23 Christensen v. Swedish Hosp., 59 Wn. 2d 545, 548,
24 368 P. 2d 897 (1962). Moreover,

25 (T)he party who moves for judgment on the
26 pleadings admits, for the purposes of the
27 motion, the truth of every fact well pleaded
28 by his opponent and the untruth of his own
allegations which have been denied. Hodgson
v. Bicknell, 49 Wn. 2d 130, 136, 298 P. 2d 844
(1956).

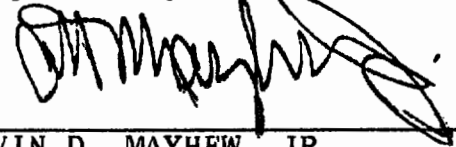
Barnum v. State, 72 Wn. 2d 928, 929-930 (1967).

1 Defendants Barnett have brought this motion claiming
2 plaintiff's claim is barred by the statute of limitations.
3 Applying the rules quoted above, it must be admitted that
4 Gary Lien did not learn of the actions of Don Barnett until
5 April, 1986, he could not have brought the action earlier.
6 He did bring this action within the statute of limitations
7 upon learning of Don Barnett's actions. There are clearly
8 facts which the plaintiff could prove to support his claim
9 for relief and therefore, the motion should be denied.

10 If the court considers the affidavits of Gary Lien and
11 Kathy Butler, it becomes even clearer that the motion should
12 be denied. Kathy Butler states that she never told Gary Lien
13 about her relationship with Don Barnett until after April 22,
14 1986. Thus, there would have been no way for Gary Lien to
15 know why his marriage failed. The statute of limitations
16 should not begin to run until Gary Lien became aware of the
17 relationship between Don Barnett and his former wife, and the
18 motion should be denied.

19 Dated this 12th day of August, 1988.

20 Respectfully submitted:

21 

22
23 ALVIN D. MAYHEW, JR.
24 Attorney for Plaintiff

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

GARY LIEN, individually and)
as parent of SCOTT LIEN and)
RANDY LIEN,)

Plaintiff,)

v.)

No. 86-2-18282-9

DON BARNETT and BARBARA BARNETT,)
husband and wife; COMMUNITY)
CHAPEL AND BIBLE TRAINING)
CENTER, a non-profit)
association; JOHN DOE and JANE)
DOE, I-XX; KATHY BUTLER, a)
married person,)

DEFENDANT BARNETTS' FIRST)
SET OF INTERROGATORIES AND)
REQUESTS FOR PRODUCTION TO)
PLAINTIFF GARY LIEN)

Defendants.)

TO: GARY LIEN; and
TO: Alvin D. Mayhew, your attorney:

PURSUANT to Rule 33 of Rules of Pleading Practice and Procedure of the State of Washington, the defendants Barnett herewith submit the following Interrogatories to be answered separately and fully under oath within twenty (20) days from the date of service of said Interrogatories upon you. In answering these Interrogatories, you are required to furnish such information as is available to you, not merely the information which you know of your personal knowledge. This is intended to include any information in the possession of the agent or attorney or any investigator for the answering party.

COURT RULES REQUIRE THE ANSWERS TO BE PRECEDED BY THE QUESTIONS AND THUS EXTRA COPIES OF THESE INTERROGATORIES ARE BEING SERVED UPON YOU IN ORDER TO EXPEDITE THE ANSWERING THEREOF. YOU MAY TYPE YOUR ANSWERS IMMEDIATELY AFTER THE QUESTION AND THUS AVOID RETYPING THE QUESTION.

DEFENDANT BARNETTS' 1ST
ROGS/RFP TO PLAINTIFF : 1
15004912.10

Evans, Craven & Lachie, P.S.
LAWYERS

34th FLOOR COLUMBIA CENTER, 701 5th AVENUE
SEATTLE WASHINGTON 98104

(206) 386-5555

1 THESE INTERROGATORIES ARE CONTINUING IN NATURE AND
2 DEFENDANTS BARNETT HEREBY DEMAND THAT ANY INFORMATION COMING INTO
3 THE POSSESSION OF THE PLAINTIFF OR PLAINTIFF'S COUNSEL WHICH
4 WOULD CHANGE THE ANSWERS IN ANY WAY BE PROMPTLY FURNISHED TO
5 DEFENDANTS' COUNSEL, IN ANY EVENT NO LATER THAN TWENTY (20) DAYS
6 AFTER RECEIPT OF SUCH INFORMATION.

7
8 **I. BACKGROUND INFORMATION**

9 1. Please set forth the name, address and occupation of
10 each individual providing answers to the following
11 interrogatories, along with the specific interrogatories each
12 individual is responsible for.

13 **ANSWER:**

14 Gary William Lien
4309 E. Valley Hwy
Sumner, Wa 98390

Vice President/Sumner Trailer Sales

15 2. Please state your birthdate, birth place, age, height,
16 weight and Social Security number.

17 **ANSWER:**

18 3/16/51/ Victoria B.C., Canada/ age 37/ SS No. 536-52-3546
19 Ht 67 3/4" Wt 204 lbs

20 3. State your present address or place of residence, and
21 with respect to former residences, state the complete address of
22 the places at which you have resided in the past ten (10) years
23 and give the inclusive dates of each residence.

24 **ANSWER:**

25 4309 E. Valley Hwy, Sumner, Wa
26 Resided 11/75 to present

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31 **DEFENDANT BARNETTS' 1ST**
32 **ROGS/RFP TO PLAINTIFF : 2**
15004912.10

Evans, Craven & Lackie, P.S.
LAWYERS

34th FLOOR COLUMBIA CENTER, 701 5th AVENUE
SEATTLE WASHINGTON 98104

(206) 386-5555

4.

Chinook Jr Hig (Highline School District) 9/63 to 6/65

Tyee Sr High (Highline) 9/65 to 12/68

Mount Rainier Sr High (Highline) 12/68 to 6/69

Highline Community College Summer 69

Peterson School of Business 1969 to 1970

Community Chapel & Bible Training Center (see Chapel records for dates)

5.

I found out in April or May 1986 that my former wife had been victimized by Don Barnett. She told me about Don Barnett coming to the house where we lived and seducing her. This happened, according to her, on more than one occasion. She told me that it happened at the church also. Due to this, she felt guilty and unable to remain faithful to her marriage vows. We filed for legal separation subsequent to this. I never knew why we were divorced until 1986. She has told me we would not have been divorced but for the situation with Don Barnett. When Kathy and I were having marital difficulties, I went to Don Barnett for help. He advised me to be "very nice" and "very sweet" to her. I discussed this with Don many times.

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III. WITNESSES

6. Do you know of any person or persons believed or understood by you to have knowledge of the incidents complained of or to the events leading up to each set of facts? If so, as to each such person, state the following:

- a. Name;
- b. Present or last known address and telephone number;
- c. Present or last known employer;
- d. The circumstances by which this individual has knowledge of the act or acts complained of.

ANSWER:

- A. Besides myself and Don Barnett, my ex-wife Kathy Butler
- B. 28719 26th S, Federal Way, Wa 839-3748
- c. Housewife
- d. First-hand knowledge

**DEFENDANT BARNETTS' 1ST
ROGS/RFP TO PLAINTIFF : 4
15004912.10**

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SEATTLE WASHINGTON 98104

(206) 386-5555

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7. Do you know of any witnesses or purported witnesses, or persons believed or understood by you not previously listed herein who have knowledge of the events involved in this action? If so, as to each person or witness state the following:

- a. Name;
- b. Present or last known address and telephone number;
- c. Present or last known employer;
- d. You or your attorney's understanding of each such witnesses knowledge regarding the incidents or acts complained of.

ANSWER:

Not that I am aware of

DEFENDANT BARNETTS' 1ST
ROGS/RFP TO PLAINTIFF : 5
15004912.10

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LAWYERS

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SEATTLE WASHINGTON 98104
(206) 386-5555

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3 8. Were any statements of the aforementioned witnesses or
4 parties with knowledge of the incident, events or circumstances
5 preceding or following the events which form the basis of this
6 complaint taken orally, in writing or by recording device? If
7 so, for each please state:

- 8 a. Name and address of the person making the statement;
9 b. Name and address of the person taking the statement;
10 c. Form and date of the statement;
11 d. Whether you can have or can obtain a copy of the
12 statement;
13 e. Name and address of each person having possession of
14 such statement.

15 **ANSWER:**

- 16 a. Kathy Buter, see answer 6 B
17 B. Prepared by Witness
18 C. Narrative statement dated April 22, 1986
19 D. Can obtain a copy
20 E. Gary Lien, 4309 E. Valley Hwy, Sumner
21 and Alvin D. Mayhew, Jr. 1016 Main, Sumner, Wa
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DEFENDANT BARNETTS' 1ST
ROGS/RFP TO PLAINTIFF : 6
15004912.10

Evans, Craven & Larkie, P.C.
LAWYERS

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SEATTLE WASHINGTON 98104

(206) 386-5555

1 9. Please state the name, address and telephone number and
2 place of employment of any person known to you or your attorney
3 who has first-hand knowledge of how your physical or mental
4 condition or that of your children has been affected by the
5 allegations contained herein.

6 **ANSWER:**

7 Harry W. Lien and Dorine Lien, 4309 E. Valley Hwy, Sumner, Wa
8 863-5644

9 Philip Lindsay

10 10. Please state the name(s) of any person(s) not referred
11 to in prior answers to these interrogatories, having information
12 concerning the injuries claimed by you with regard to the acts
13 alleged in your complaint? If so, as to each person, state the
14 following:

- 15 a. Name;
16 b. Present or last known address and telephone number;
17 c. Present or last known employer;

18 **ANSWER:**

19 None known at this time.
20
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25 **IV. EXPERT WITNESSES**

26 11. Has any expert been retained by you or on your behalf
27 in connection with this case? If so, for each expert state:

- 28 a. Name, address and occupation;
29 b. Qualifications;

30
31 **DEFENDANT BARNETTS' 1ST**
32 **ROGS/RFP TO PLAINTIFF : 7**
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SEATTLE WASHINGTON 98104

(206) 386-5555

- 1 c. The substance of the facts and opinions to which he is
2 expected to testify;
3 d. The summary of the grounds for each opinion to which he
4 is expected to testify;
5 f. List and identify each and every report
6 prepared by each said expert as to name and
7 date with sufficient specificity so as to
8 allow this defendant to make a request for
9 production of said documents.

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ANSWER:

Not at this time

V. MARITAL STATUS AND DIVORCE PROCEEDINGS

12. Please state the county and cause number of the dissolution proceedings between Randy Lien and Kathy Lien (a/k/a Kathy Butler).

ANSWER:

Assuming the question pertains to Gary Lien
King County D-89397

13. Please state the date the dissolution between Randy Lien and Kathy Butler became final.

ANSWER:

Assuming this question pertains to Gary Lien 3/16/77

14. Please state the names and addresses of any and all attorneys representing either Randy or Kathy Butler in the aforementioned dissolution proceedings.

ANSWER:

Assuming this question pertains to Gary lien
Maryalice Norman-9422 Delridge Way S.W., Seattle,

Arthur Kiel-Burien

DEFENDANT BARNETTS' 1ST
ROGS/RFP TO PLAINTIFF : 8
15004912.10

Evans, Craven & Larkin, P.C.
LAWYERS

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SEATTLE WASHINGTON 98104

(206) 386-5555

1 STATE OF WASHINGTON)

2 County of Pierce)

3 Pamela C. Maybur , being first duly sworn
4 on oath, deposes and says: That I am
5 named above; that I have read the within and foregoing Answers to
6 Interrogatories and Responses to Requests for Production, know
7 the contents thereof and believe the same to be true.

8 Larry D. Lier

9
10 SIGNED AND AFFIRMED before me on 24 May
11 1988, by Pamela C. Maybur

12 Pamela C. Maybur
13 NOTARY PUBLIC
14 My Commission Expires 1-13-91

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31 DEFENDANT BARNETTS' 1ST
32 ROGS/RFP TO PLAINTIFF : 10
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Evans, Craven & Larkie, P.A.

LAWYERS

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SEATTLE WASHINGTON 98104

(206) 386-5555

1 **REQUEST FOR PRODUCTION NO. 1:** Please attach copies of all
2 pleadings filed in the dissolution proceeding between Randy Lien
3 and Kathy Lien (a/k/a Kathy Butler).

4 **RESPONSE:**

5 not available

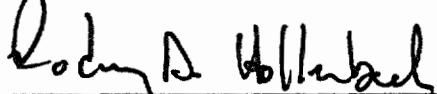
6 15. Please state Randy Lien's current marital status and,
7 if married, the date of said marriage.

8 **ANSWER:**

9 Assuming this question pertains to Gary Lien-Married 8/6/83

10 **INTERROGATORIES DATED April 25, 1988.**

11 **EVANS CRAVEN & LACKIE, P.S.**

12 By 
13 **RODNEY D. HOLLENBECK**
14 **Attorneys for Defendants Barnett**

15
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18
19 Attorney for plaintiff has read the foregoing Answers to
20 Interrogatories and Responses to Requests for Production, and
21 acknowledges that they are in compliance with CR 26(g).

22 
23 **ALVIN D. MAYHEW, JR.**

24
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30 **DEFENDANT BARNETTS' 1ST**
31 **ROGS/RFP TO PLAINTIFF : 9**
32 **15004912.10**

Evans, Craven & Lackie, P.S.
LAWYERS

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

GARY LIEN, individually and) NO. 86-2-18282-9
as a parent of SCOTT LIEN)
and RANDY LIEN)

Plaintiffs)

v.)

DON BARNETT and BARBARA) AFFIDAVIT OF GARY LIEN
BARNETT, husband and wife;)
COMMUNITY CHAPEL AND BIBLE)
TRAINING CENTER, a non-)
profit association; JOHN)
DOE AND JANE DOE I-XX; KATHY)
BUTLER, a married person)

Defendants)

State of Washington)
County of Pierce)

Gary W. Lien, being first duly sworn on oath, deposes and says:

1. That I am the Plaintiff in this action and make this affidavit in opposition to the Defendant's Barnetts motion for dismissal.

2. That in late March or early April, 1975, my wife Kathy came to me and ask me for a divorce. This came as a complete shock to me as I had no indication that we were having problems. However, I knew I had to deal with it in order to save my marriage. I was as nice to my wife as I knew how, thinking that the problem would blow over. I told her that I loved her and I wanted to make it work. We separated on or about November 3, 1975.

ALVIN D. MAYHEW, JR., INC., P.S.
ATTORNEYS AT LAW
1016 MAIN STREET
SUMNER, WA
99390
(206) 863-2286

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3. That from the time she asked me for the divorce until the time we actually separated, she was extremely agitated. Whenever I tried to talk to her about our problems, she would tell me "go to hell" and would say nothing more.

4. That from the end of July until my wife left, I counseled with Don Barnett some eight to ten times to attempt to find out what I could do to save my marriage. I went to Pastor Barnett looking for help and looking for the reason why my marriage was breaking up. He simply told me to be sweet and loving to my wife and not get mad at her. I followed his advise as best I could, but still, our marriage ended in divorce.

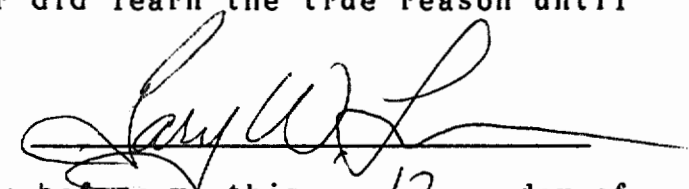
5. That I had no idea that Don Barnett was doing the things to my wife that I learned about in 1986. He never said anything to me when I sought his advice to save my marriage, nor did Kathy tell me about the situation. There was a custody batter between Kathy and myself over our children in our divorce action and had I known about the situation involving Don Barnett, I certainly would have utilized that during those proceedings.

6. That until I received the copy of Kathy Butler's letter of April 22, 1986, I had no idea of why my marriage broke up. That letter clearly shows that the reason my marriage broke up was because of the actions of Don Barnett.

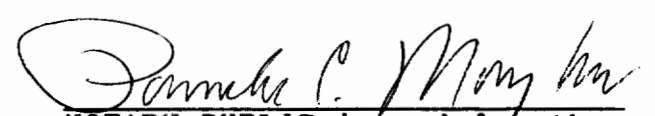
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I felt I did everything I possibly could to find out why my marriage broke up and never did learn the true reason until 1986.



SUBSCRIBED AND SWORN to before me this 12 day of August, 1988.



NOTARY PUBLIC in and for the State of Washington, residing at SUMNER

FILED

Aug 16 1 44 PM '88

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

GARY LIEN, individually and)
as a parent of SCOTT LIEN)
and RANDY LIEN)

CLERK

NO. 86-2-18282-9

Plaintiffs)

v.)
DON BARNETT and BARBARA)
BARNETT, husband and wife;)
COMMUNITY CHAPEL AND BIBLE)
TRAINING CENTER, a non-)
profit association; JOHN)
DOE AND JANE DOE I-XX; KATHY)
BUTLER, a married person)

AFFIDAVIT OF KATHY BUTLER

Defendants)

State of Washington)
County of King)

Kathy Butler, being first duly sworn on oath, deposes and says:

1. That attached hereto is a letter I wrote on April 22, 1986.
2. That the allegations set forth therein are true.
3. That the letter is incorporated herein as though fully set forth.
4. That I gave a copy of the letter to my former husband, Gary Lien after April 22, 1986.

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5. That I never told Gary Lien what went on between Don Barnett and me until I ^{KB} gave him a copy of this letter.

Kathy Lee Butler

SUBSCRIBED AND SWORN to before me this 15th day of August, 1988.

Carrie D. Rahn

NOTARY PUBLIC in and for the State of Washington, residing at Tacoma

MY COMMISSION EXPIRES 7-9-92

April 22, 1986

Dear Sirs:

My name is Kathy Butler. I have been asked by the Fredens to write you this letter in regards to my relationship to Don Barnett, Pastor of Community Chapel and Bible Training Center.

I have been one of Don Barnett's favorite girls for 14 1/2 years. Between the years of 1972 and 1975, Don Barnett has taken liberties with me physically and has definitely seduced my mind mentally.

I have left Community Chapel before this letter. I have prayed for God's spirit of love and wisdom, and his anointing in writing this letter to you. This situation hasn't been easy for me over the years, but by the grace and mercy of the Lord he has been faithful to see me through.

I had just turned 19, when I first came to Community Chapel in 1971. Don Barnett was very sweet and gracious in welcoming my husband at that time, and I to the Chapel. From the very first time Don Barnett laid eyes on me, he was very forward and very persistent in getting to know me. As time progressed Don Barnett's affections for me were very apparent.

I trusted Don, and respected him as a Pastor. He always knew how to approach me, and he knew how to express such love for me. I was so innocent and very naive. I had only known and experienced my husband's love. I truly feel that Don Barnett took advantage of my innocence, and began exploiting me. Exploit Means: "The utilization of another person for selfish purposes. Also to employ to the greatest possible advantage selfishly or unethically." (The American Heritage Dictionary)

Don Barnett was very careful and subtle with me at first, but as time progressed he was wanting more and more of my affection, and me. Don began wanting to see me after services, taking me into locked rooms sometimes for hours. He would hold me and kiss me, and tell me how much he was falling in love me. Soon after that Don would call me at home and he began coming to my house often. It seemed Don could only express his love to me by holding me closely, kissing me on the lips and neck. Don was always so obsessed with me. He always felt a need to be touching and fondling my breasts. He would say often to me, "Kathy I love your softness." (referring to my breasts) "Oh you don't mind if I play with your breasts do you honey?" Then without hesitation he would continue saying, "I need to have you, Kathy. Oh, please let me have you sweetie. You love your pastor don't you?"

Don told me how much he loved kissing me (he always frenched kissed me excessively). I was always quite stunned. One evening while my husband was at work, Don called me and wanted to come over. (Don came over usually when my husband was at work. He had to see me.) This was in 1973, Don would tell me what he wanted me to wear quite often. This particular night he specified a certain sweater and slacks he wanted me to wear. When Don arrived he was so desperate looking. He looked as if he was in the heat of passion, I was trembling from head to toe. I was so frightened! and I felt such control and power over me. I did not know what to do, but stand there helpless and numb. At first he would say how beautiful I looked, especially in this sweater he requested me to wear. Then he began touching my breasts, and he began saying obscene and lewd incitings. I was stunned at the words he was saying. Quickly Don was fully unclothed and he partially unclothed me.

About this time we were on my living room couch and Don was kissing my entire body. I felt so violated before God, and so very hurt, and Don would keep saying, "Let me love you, Kathy. I want to F _ _ _ you." (This was typical of his comments, and his actions in other similar situations.) He continued, "You don't want to hurt your Pastor, do you?" Then Don pleaded for me to touch and play with his genitals, so he would have an orgasm. Soon he was sitting slouched down, on the couch. He asked me if I would sit on him. He had a full erection. I resisted and when he saw me resisting he said, "That's the one thing I couldn't do." I just couldn't bring myself to do all that he wanted. I felt like my life was ending, right before my eyes, and all I could do was ask Jesus to forgive me for this horrible situation. Don kept being persistent with me, and kept insisting he needed me to fulfill his needs. I was so frightened. I felt like I had no control over what was happening to me. I kept saying in my heart, Jesus, please help me! There was no adultery committed but I felt, and still do, that Don Barnett committed adultery in his heart. In this situation I only kissed and hugged.

Since that time I know the Lord had forgiven me. I hoped Don had repented himself. He never apologized to me. I forgave him, and I thought what had happened between Don and I ended that night, but it never ended as far as Don was concerned. He continued to pursue me throughout the next years. I felt as if I was under a spell or a trance.

Don told me he was falling in love with me, and was I in love with him he asked. He said he needed me and my love. He told me if he didn't have his wife Barbara, he would marry me. Over the years he continually expressed love to me. On several occasions Don would ask me to take him home after church. (We'd be alone.) He would unzip his pants at times, ask me to touch him, and help him have an orgasm. When I couldn't comply, he would masturbate himself until he climaxed. We would be in my car, and during these times he would say things like, "I love when you play with me, Kathy." I'm still sickened by this because he would attempt to get me to touch him and I could not go through with this.

I was falling out of love with my husband and feeling hurt and very guilty. I was failing in my marriage and I felt so bad for my husband. I was so confused, and mixed up. In 1975, I left my husband and Community Chapel, soon after that my marriage ended in a divorce. My life was in such turmoil. I had never felt such pain in my heart, and such remorse. I personally feel because of my relationship with Don Barnett, my marriage was heavily scarred, and ruined. I was hurt and humiliated to the utmost.

I met my present husband soon after I left the church, and I conceived his child a few months later. When Don Barnett found this out, he came to me immediately. He said I should get an abortion, because I wasn't married to the child's father. He insisted it was what God would want, because God himself aborts babies. Don gave me a check for \$75.00 and told me where I could go to have the abortion. I trusted him again and had an abortion. Don asked me not to say anything about the abortion. I had so many mixed emotions about everything that had happened to me. Unfortunately, I believed everything this "man of God" told me.

Don would always remind me of my many wrong choices I had made for so long of a time, and I should let him make decisions for me, and I should trust my Pastor. I truly didn't know who I should trust anymore. Don repeatedly said I had hurt him over and over again. I was hurt too, and it was this very same man that wanted me to trust him, had sexually violated me before God. How could I trust this man ever again? This "man of God" took advantage of me in every way and I felt trapped by him and wanted out.

All these years, I thought I was the only one. When I found out 1 and 1/2 months ago that in the last 14 years there were other women besides myself in Don Barnett's life, I felt very ill at ease, and an uneasiness came over me. I felt used, very used.

There are few words to express the pain I felt at that moment. If only I had known. I feel I can speak for these other women as well as for myself. How wrongfully and unjustly we have been treated. I feel Don Barnett will be accountable for this injustice. Perhaps in Don's eyes this "new move" is a justification for his relationships with these women.

Don Barnett told me in January, 1986, that "Our relationship which began years ago was definitely a "connection". My first thought was, "If a sexual relationship between a pastor and one of his sheep was of God then I don't want any part of it." In 1986, January to be exact, Don asked me to drive him home after the service ended. When we arrived at his house he wanted me to come in and see his house and I agreed. My 4 1/2 year old was with me. When we entered his living room, he was keeping my daughter busy playing with toys. As she was involved in the toys we sat on the couch and Don began kissing me on the lips, including french-kissing and rubbing my back and holding me closely to his chest. When he saw that my dress had a zipper in the front, he said, "Oh, Kathy, you didn't tell me your dress had a zipper!" as he tried to unzip my dress. I excused myself by getting up from sitting on the couch to avoid this situation. He approached me again, and started to caress my breasts. I was so upset, and uneasy. I then left with my daughter.

When I think about all that I have been put through all these years, I feel betrayed in a sense. I thought I was the only woman that Don Barnett had sexually been involved in. Somehow, I thought he was sincere in his affection to me, but now I know I was a victim as well as the other women. If I would have known there were others, I would have definitely sought help and confessed this years ago.

As far as I knew, Don wanted me only. He would repeatedly tell me how much he was in love with me, and wanted me. Over the years, Don Barnett continually asked me, "Kathy you haven't told anyone about us, have you?" I would say, "No, Don I haven't." I can certainly understand why he asked me that question now.

I believe Community Chapel is engulfed in a spirit of seduction, and it is spreading like a cancer through the camp, and it seems as they are under Satanic dominion. "Who will stand up for me against evil doers? Who will take his stand for me against those who do wickedness?" (Ps. 94:16, NAS). I will stand on the Word of God, it cannot fail!

I pray that I have helped in this important matter, and I pray for God's mercy on Don Barnett, who perhaps in the beginning had the heart of God but has now yielded to sin and corruption.

In His Beloved Service,

Kathy Butler

Kathy Butler
28719 26th Ave South
Federal Way, Washington 98003

LIEN ET AL

FILED

NO. 86-2-18282-9

VS

1989 FEB 28 AM 10:40

ORDER TO FILE A JOINT STATUS

BARNETT ET AL

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

REPORT / ORDER OF DISMISSAL

ALL PARTIES OF RECORD AND THEIR COUNSEL. YOU ARE HEREBY NOTIFIED THAT THE PRESIDING JUDGE HEREBY ORDERS A JOINT STATUS REPORT BE FILED IN THIS CASE. ON THE BASIS OF THE INFORMATION PROVIDED IN THE JOINT STATUS REPORT, THE COURT MAY SCHEDULE A PRE-TRIAL CONFERENCE OR TAKE OTHER ACTION TO MOVE THE CASE TOWARD TRIAL OR OTHER DISPOSITION.

THE PARTIES SHALL FILE A REPORT TITLED JOINT STATUS REPORT, LIMITED TO THREE PAGES, WITH THE CLERK, E-619, WINDOW 1, KING COUNTY COURTHOUSE, WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. IF NO "JOINT STATUS REPORT" HAS BEEN FILED PURSUANT TO THIS ORDER, THE CLERK OF THE COURT IS DIRECTED TO ENTER A DISMISSAL OF THIS CASE WITHOUT PREJUDICE AND WITHOUT FURTHER NOTICE. IF YOU HAVE NO OBJECTION TO THE DISMISSAL YOU NEED TAKE NO FURTHER ACTION. ALL QUESTIONS CONCERNING THIS PROCEDURE SHOULD BE ADDRESSED TO THE CLERK'S OFFICE: SANDRA NELSON OR LUELLA MCLANE, 296-7872. DO NOT CONTACT THE PRESIDING JUDGE.

THE JOINT STATUS REPORT SHALL BE SIGNED BY ALL COUNSEL OF RECORD AND SHALL PROVIDE THE FOLLOWING INFORMATION (AS APPLICABLE) BY CORRESPONDING PARAGRAPH NUMBER:

- (1) THE NATURE OF THE CASE AND SUMMARY OF THE PLEADINGS.
- (2) A STATEMENT AS TO WHETHER ALL ESSENTIAL PARTIES HAVE BEEN NAMED, WHETHER ADDITIONAL PARTIES WILL BE NAMED (STATE WHEN), AND WHETHER ADDITIONAL COUNTERCLAIMS OR CROSSCLAIMS WILL BE FILED (STATE WHEN).
- (3) THE STATUS OF MATTERS PRESENTLY SET BEFORE THE COURT (I.E., HEARINGS, MOTIONS, CONFERENCE, ETC.), IF ANY.
- (4) THE STATUS OF DISCOVERY, AND, IF DISCOVERY HAS NOT BEEN COMPLETED, A TIME SCHEDULE FOR ITS ESTIMATED COMPLETION.
- (5) A STATEMENT AS TO WHETHER THIS CASE IS TO BE TRIED BY ARBITRATION, BY A JURY, OR BY THE COURT.
- (6) AN ESTIMATE OF THE NUMBER OF TRIAL HOURS OR DAYS REQUIRED.

23

(7) A SUGGESTED TRIAL DATE.

(8) ANY OTHER ISSUES THE PARTIES BELIEVE SHOULD AFFECT THE SETTING OF A TRIAL DATE.

IF THE PARTIES ARE UNABLE TO REACH AGREEMENT AS TO THE INFORMATION TO BE PROVIDED IN RESPONSE TO ANY OF THE QUESTIONS POSED BY THIS ORDER, COUNSEL SHALL ANSWER IN SEPARATE PARAGRAPHS. COUNSEL SHALL NOT FILE SEPARATE STATUS REPORTS UNLESS THE PARTY HAS MADE A GOOD FAITH EFFORT, WITHOUT SUCCESS TO OBTAIN OPPOSING COUNSEL'S COOPERATION IN FILING A JOINT STATUS REPORT. IN THIS EVENT, THE PARTY SHALL DESCRIBE THAT GOOD FAITH EFFORT IN A SEPARATE CONCLUDING PARAGRAPH OF THE REPORT.

DATED THIS _____ DAY OF _____ FEB 28 1989 19____.

James G. Leach

PRESIDING JUDGE

MAYHEW, ALVIN D
WA ST BAR ID # 06639
1016 MAIN STREET
SUMNER, WA 98390

LEACH, JAMES G
WA ST BAR ID # 01382
1010 DEXTER HORTON BLDG
710 SECOND AVENUE
SEATTLE, WA 98104

HOLLENBECK, RODNEY D
WA ST BAR ID # 12450
Columbia Center
701 5th Av.
Seattle, Wa. 98104

FILED

1989 MAR 15 PM 12:01

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

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

| | | |
|-----------------------|---|------------------------------|
| IN RE THE MARRIAGE OF |) | |
| |) | NO. 86-2-18282-9 |
| LIEN, et al, |) | |
| |) | NOTICE OF INTENT TO WITHDRAW |
| Plaintiff, |) | |
| vs. |) | |
| |) | |
| BARNETT, et al, |) | |
| Defendant. |) | |

TO: CLERK OF THE COURT;

AND TO: Robert Rohan

AND TO: Alvin D. Mayhew

AND TO: Rodney D. Hollenbeck

PLEASE TAKE NOTICE that James G. Leach and LEACH, BROWN & ANDERSEN, intend to withdraw as attorneys of record for Community Chapel and Bible Training Center as of the 27th day of MARCH, 1989. This withdrawal shall be effective without order of court unless an objection to the withdrawal is served upon said withdrawing attorneys prior to the date set forth in this notice. The last known address of Community Chapel is as follows:

Community Chapel and
Bible Training Center
18635 8th Avenue South
Seattle, WA 98148

and all future pleadings in this matter should be directed to Community Chapel and Bible Training Center at said address.

DATED this 14th day of MARCH, 1989.

LEACH, BROWN & ANDERSEN

James G. Leach
James G. Leach
Attorney for Community Chapel

24
g

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

1
2 GARY LIEN, et al) NO. 86-2-18282-9
3 Plaintiff)
4 vs)
5 DONALD BARNETT, et)
al., et ux)
6 Defendants)

PLAINTIFF'S RESPONSE TO
TO FILE A JOINT STATUS
REPORT

FILED
1989 MAR 23 PM 1:25
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

7
8 COMES NOW the Plaintiff, and responses to the Order to file
9 a joint status report as follows:

10 1. That Plaintiff's would request that the above action
11 should not be dismissed. It has been consolidated with numerous
12 other actions involving DONALD BARNETT, THE COMMUNITY CHAPEL AND
13 BIBLE TRAINING CENTER, and other Defendants. A motion was made to
14 consolidate the above matter with other matters and said motion was
15 granted on March 17, 1989. A copy of the Order has not yet been
16 received by Plaintiff's counsel. A copy of the motion to
17 consolidate is attached hereto and incorporated herein by reference
18 as though fully set forth. The Honorable John W. Riley signed the
19 Order granting the motion on March 17, 1989.

20 2. That as a result of being consolidated with other
21 litigation, the case is now on a "Tract One" basis. Attached
22 hereto and incorporated herein is a copy of proposed pre-trial
23 order number four in the litigation which order clearly involves
24 the above-entitled cause.

25 WHEREFORE, the Plaintiff respectfully requests that the above

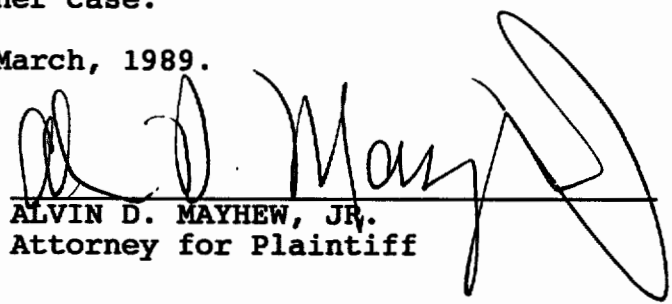
26 PLAINTIFF'S RESPONSE TO FILE A
27 JOINT STATUS REPORT

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matter not be dismissed as discovery is proceeding in a consolidated manner with other cases, and has been consolidated for "Track One" treatment with other case.

DATED this 22nd day of March, 1989.



ALVIN D. MAYHEW, JR.
Attorney for Plaintiff

26 PLAINTIFF'S RESPONSE TO FILE A
27 JOINT STATUS REPORT

28

LIEN ET AL

VS

BARNETT ET AL

NO. 86-2-18282-9

ORDER TO FILE A JOINT STATUS
REPORT / ORDER OF DISMISSAL

ALL PARTIES OF RECORD AND THEIR COUNSEL. YOU ARE HEREBY NOTIFIED THAT THE PRESIDING JUDGE HEREBY ORDERS A JOINT STATUS REPORT BE FILED IN THIS CASE. ON THE BASIS OF THE INFORMATION PROVIDED IN THE JOINT STATUS REPORT, THE COURT MAY SCHEDULE A PRE-TRIAL CONFERENCE OR TAKE OTHER ACTION TO MOVE THE CASE TOWARD TRIAL OR OTHER DISPOSITION.

THE PARTIES SHALL FILE A REPORT TITLED JOINT STATUS REPORT, LIMITED TO THREE PAGES, WITH THE CLERK, E-609, WINDOW 1, KING COUNTY COURTHOUSE, WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. IF NO "JOINT STATUS REPORT" HAS BEEN FILED PURSUANT TO THIS ORDER, THE CLERK OF THE COURT IS DIRECTED TO ENTER A DISMISSAL OF THIS CASE WITHOUT PREJUDICE AND WITHOUT FURTHER NOTICE. IF YOU HAVE NO OBJECTION TO THE DISMISSAL YOU NEED TAKE NO FURTHER ACTION. ALL QUESTIONS CONCERNING THIS PROCEDURE SHOULD BE ADDRESSED TO THE CLERK'S OFFICE: SANDRA NELSON OR LUELLA MCLANE, 296-7872.
DO NOT CONTACT THE PRESIDING JUDGE.

THE JOINT STATUS REPORT SHALL BE SIGNED BY ALL COUNSEL OF RECORD AND SHALL PROVIDE THE FOLLOWING INFORMATION (AS APPLICABLE) BY CORRESPONDING PARAGRAPH NUMBER:

- (1) THE NATURE OF THE CASE AND SUMMARY OF THE PLEADINGS.
- (2) A STATEMENT AS TO WHETHER ALL ESSENTIAL PARTIES HAVE BEEN NAMED, WHETHER ADDITIONAL PARTIES WILL BE NAMED (STATE WHEN), AND WHETHER ADDITIONAL COUNTERCLAIMS OR CROSSCLAIMS WILL BE FILED (STATE WHEN).
- (3) THE STATUS OF MATTERS PRESENTLY SET BEFORE THE COURT (I.E., HEARINGS, MOTIONS, CONFERENCE, ETC.), IF ANY.
- (4) THE STATUS OF DISCOVERY, AND, IF DISCOVERY HAS NOT BEEN COMPLETED, A TIME SCHEDULE FOR ITS ESTIMATED COMPLETION.
- (5) A STATEMENT AS TO WHETHER THIS CASE IS TO BE TRIED BY ARBITRATION, BY A JURY, OR BY THE COURT.
- (6) AN ESTIMATE OF THE NUMBER OF TRIAL HOURS OR DAYS REQUIRED.

(REV 02/13/89)

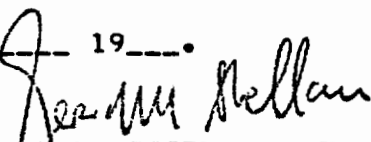
DOCKET CODE: ORJSR

(7) A SUGGESTED TRIAL DATE.

(8) ANY OTHER ISSUES THE PARTIES BELIEVE SHOULD AFFECT THE SETTING OF A TRIAL DATE.

IF THE PARTIES ARE UNABLE TO REACH AGREEMENT AS TO THE INFORMATION TO BE PROVIDED IN RESPONSE TO ANY OF THE QUESTIONS POSED BY THIS ORDER, COUNSEL SHALL ANSWER IN SEPARATE PARAGRAPHS. COUNSEL SHALL NOT FILE SEPARATE STATUS REPORTS UNLESS THE PARTY HAS MADE A GOOD FAITH EFFORT, WITHOUT SUCCESS TO OBTAIN OPPOSING COUNSEL'S COOPERATION IN FILING A JOINT STATUS REPORT. IN THIS EVENT, THE PARTY SHALL DESCRIBE THAT GOOD FAITH EFFORT IN A SEPARATE CONCLUDING PARAGRAPH OF THE REPORT.

DATED THIS _____ DAY OF FEB 28 1989 19____.


PRESIDING JUDGE

MAYHEW, ALVIN D
WA ST BAR ID # 06639
1016 MAIN STREET
SUMNER, WA 98390

LEACH, JAMES G
WA ST BAR ID # 01382
1010 DEXTER HORTON BLDG
710 SECOND AVENUE
SEATTLE, WA 98104

HOLLENBECK, RODNEY D
WA ST BAR ID # 12450
1170 SEA 1ST FINANCIAL CT
W. 601 RIVERSIDE AVE.
SPOKANE, WA

CERTIFICATE OF MAILING

I hereby certify, under penalty of perjury,
that on March 3 1989
I deposited in the U.S. mail a properly
stamped and addressed envelope directed to
all counsel of record containing a copy of
the document to which this certification is
attached.

Jeri J. Highland

CIVIL TRACK ONE
THE HONORABLE JOHN RILEY

IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, et vir, et al.,
Plaintiffs,

v.

DONALD LEE BARNETT, et ux., et al.,
Defendants.

CONSOLIDATED/
CIVIL TRACK ONE

NO. 86-2-18176-8

MOTION OF ST. PAUL FIRE
AND MARINE INSURANCE
COMPANY TO CONSOLIDATE
THE GARY LIEN LITIGATION

SANDY EHRLICH, et vir, et al.,
Plaintiffs,

v.

RALPH ALSKOG, et ux., et al.,
Defendants.

NO. 86-2-18429-5

MAUREEN PANGBORNE JORGENSEN,
Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE
TRAINING CENTER, et al.,
Defendants.

NO. 86-2-26860-8

MOTION OF ST. PAUL TO
CONSOLIDATE LIEN LITIGATION - 1
conslien.mot

LAW OFFICES OF
DON M. GULLIFORD & ASSOCIATES
2200 112th Avenue N.E.
P.O. Box 548, Bellevue, WA 98009-0548
Bellevue, WA 98004
(206) 462-4000

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ST. PAUL FIRE AND MARINE INSURANCE
COMPANY, a foreign corporation,

Plaintiff,

v.

KATHY LEE BUTLER, et vir, et al.,

Defendants.

NO. 88-2-18321-0

CARL A. PETERSON,

Plaintiff,

v.

WAYNE SNOEY, et ux., et al.,

Defendants.

NO. 87-2-14919-6

GARY LIEN, individually and as
parent of Scott Lien and Randy Lien,

Plaintiffs,

v.

DON BARNETT, et ux., et al.,

Defendants.

NO. 86-2-18282-9

COMES NOW the St. Paul Fire and Marine Insurance Company,
plaintiff in King County Superior Court Cause 88-2-18321-0, and
moves the court for an order consolidating the litigation which is
entitled Gary Lien v. Don Barnett, et ux., et al., King County
Superior Court Cause 86-2-18282-9.

MOTION OF ST. PAUL TO
CONSOLIDATE LIEN LITIGATION - 2
conslien.mot

LAW OFFICES OF
DON M. GULLIFORD & ASSOCIATES
2200 112th Avenue N.E.
P.O. Box 548, Bellevue, WA 98009-0548
Bellevue, WA 98004
(206) 462-4000

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It is manifest that the Gary Lien litigation contains similar allegations of wrongdoing on behalf of various defendants which are in many ways identical or comparable to the allegations of wrongdoing made by the various plaintiffs in these consolidated actions.

It is further apparent beyond dispute that the Lien litigation should be consolidated for discovery with the present consolidated cause 86-2-18176-8 to effect economy, not only of the court's time, but also that of the multiple counsel who are involved for the litigants.

DATED this 3rd day of March, 1989.

LAW OFFICES OF
DON M. GULLIFORD & ASSOCIATES
By Robert R. Cole/for
DON M. GULLIFORD
Of Attorneys for St. Paul Fire
and Marine Insurance Company

MOTION OF ST. PAUL TO
CONSOLIDATE LIEN LITIGATION - 3
conslien.mot

LAW OFFICES OF
DON M. GULLIFORD & ASSOCIATES
2200 112th Avenue N.E.
P.O. Box 548, Bellevue, WA 98009-0548
Bellevue, WA 98004
(206) 462-4000

I hereby certify, under penalty of perjury, that on March 3, 1989 I deposited in the U.S. mail a properly stamped and addressed envelope directed to all counsel of record containing a copy of the document to which this certification is attached.

RECEIVED
MAR 6 - 1989
ALVIN D. MAYHEW, JR.



**SUPERIOR COURT OF WASHINGTON
COUNTY OF KING**

ST. PAUL FIRE & MARINE INSURANCE CO.,

Plaintiff,

v.

KATHY L. BUTLER, et vir, et al.,

Defendants.

(Consolidated/
Civil Track One)

NO. 86-2-18176-8

NOTE FOR MOTION CALENDAR

(Clerk's Action Required)

TO: THE CLERK OF THE COURT; and to all other parties per list on reverse side:

PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the appropriate calendar.

Calendar Date: March 17, 1989 Day of Week Friday

Nature of Motion: Motion to Consolidate Gary Lien Litigation

DESIGNATED CALENDAR

- Civil Motion (LR 0.7) (9:30)
 - Summary Judgment (LR 56) (9:30)
 - Supplemental Proceeding (LR 69) (1:30)
 - Presiding Judge (Trial Date Motions Only) (11:15 or 1:30 Daily)
- Time of Hearing: _____

FAMILY LAW MOTION ILR 0.5(b) LR 94.041 (W291)

- Domestic Motion (9:30)
- Sealed File Motion (1:30)
- Support Motion (1:30)
- Modification (1:30)

EX PARTE MOTION ILR 0.9(b) (W623)

The following motions are heard 9:00-12:00 and 1:30-4:15:

- Adoption Time of Hearing: _____
- Dissolution Time of Hearing: _____
- Ex Parte Motion Time of Hearing: _____
- Probate Time of Hearing: _____

- Receivership (LR 66) (2:00)
- Sealed File Motion (9:30)

DEPARTMENTAL HEARINGS ILR 40(h)1

KX Special Setting Before Judge/Commissioner:

Time of Hearing: 2:30 p.m.

The Honorable John Riley

Room E854

Robert R. Cole / for

Typed Name: Don M. Gulliford

OF: LAW OFFICES OF DON M. GULLIFORD & ASSOCIATES

DATED: 3 MARCH 1989

Attorney for: St. Paul Fire & Marine Insurance Company

Telephone: 462-4000

LIST NAMES, ADDRESSES AND TELEPHONE NUMBERS OF ALL PARTIES REQUIRING NOTICE ON REVERSE SIDE.

(See attached list of parties)

**LAW OFFICES OF
DON M. GULLIFORD & ASSOCIATES**
2200 112th Avenue N.E.
P.O. Box 548, Bellevue, WA 98009-0548
Bellevue, WA 98004
(206) 462-4000

March 3, 1989

All Counsel

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223-4770
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Alskog

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Evans, Craven & Lackie
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385-5555
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Barnett

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Preston, Thorgrimson,
Ellis & Holman
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701 Fifth Avenue
Seattle WA 98104-7011
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Jorgensen

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Kitchell

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Todd & Hokanson
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Attorney for American Casualty
Company

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Ann J. Durham, Esq.
Adler Giersch
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Kitchell

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Jeff Campiche, Esq.
Kargianis, Austin & Erickson
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Attorneys for Plaintiffs
Butler, Lien, Brown,
Fellhauer

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Attorney for Defendant
Community Chapel and
Bible Training Center

Donald Hall
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Big Fork MT 59911
Pro Se - Plaintiff

Mr. R. Andrew Bergh
Stafford, Frey, Cooper & Stewart
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Seattle WA 98104
623-9900; FAX 624-6885
Attorney for Defendants Snoey

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J. Ronald Sims
Schweppe, Krug & Tausend
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223-1600
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Community Chapel and
Bible Training Center

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Gordon, Thomas, Honeywell,
Malanca, Peterson & Daheim
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600 University Street
Seattle WA 98101
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FAX 622-9779
Attorney for Carl A. Peterson

Keith A. Bolton
Peterson, Lycette & Snook
1100 Norton Building
801 Second Avenue
Seattle WA 98104-1575
622-8460
Attorneys for Robert Howerton

Alvin D. Mayhew, Jr.
Attorney at Law
1016 Main Street
Sumner WA 98390
Attorney for Defendant Gary Lien

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

KATHY LEE BUTLER, et vir, et al.,)
)
) Plaintiffs,)
)
) v.)
)
) DONALD LEE BARNETT, et ux, et al.)
)
) Defendants.)

CONSOLIDATED/TRACK ONE
NO. 86-2-18176-8
PRETRIAL ORDER NO. 4

SANDY EHRLICH, et vir, et al.,)
)
) Plaintiffs,)
)
) v.)
)
) RALPH ALSKOG, et ux., et al.,)
)
) Defendants.)

NO. 86-2-18429-5

MAUREEN PANGBORNE JORGENSEN,)
)
) Plaintiff,)
)
) v.)
)
) COMMUNITY CHAPEL AND BIBLE)
) TRAINING CENTER, et al.,)
)
) Defendants.)

NO. 86-2-26860-8

ST. PAUL FIRE AND MARINE)
) INSURANCE COMPANY, a foreign)
) corporation,)
)
) Plaintiff,)
)
) v.)
)
) KATHY LEE BUTLER, et vir, et al.,)
)
) Defendants.)

NO. 88-2-18321-0

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AMERICAN CASUALTY)
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) Plaintiff,)
) v.)
) KATHY LEE BUTLER, et vir, et al.,)
) Defendants.)
)
)
) PETERSON, et al.,)
))
) Plaintiffs,)
) v.)
) WAYNE SNOEWY, et al.,)
) Defendants.)
)
)
) GARY LIEN)
))
) Plaintiff,)
) v.)
) DON BARNETT, et ux., et al.)
) Defendants.)
)

NO. 88-2-04615-8

NO. 87-2-14919-6

NO. 86-2-18282-9

Pursuant to CR 16, the court now makes this pretrial order for the purpose of disposing of pending motions for separate trial, establishing trial dates of specific cases and further modifying the existing scheduling orders in this cause following pretrial conferences, consideration of submissions of the parties, and discussion on the record;

IT IS HEREBY ORDERED

1. Trial of Jorgenson v. Butler beginning on the 16th day of May or soon thereafter as the court is available is hereby confirmed. The related declaratory judgment action (Cause No.) will be heard immediately thereafter and issues of fact, , shall be submitted to the same jury. Counsel

1 are advised that this is a second setting.

2 2. The trial of Civil Cause No. _____, (Ehrlich, et
3 al. v. Alskog, et al.) is hereby set for trial on the ____ day of
4 June, 1989. The related declaratory judgment proceeding (Civil
5 Cause No. _____) will be heard immediately thereafter and
6 issues of fact, if any, may be submitted to the same jury.

7 3. Civil Cause No. 87-2-14919-6, Peterson, et al. v.
8 Barnett, et al. and _____ are hereby set
9 for consolidated trial beginning on the ____ day of June, 1989,
10 or soon thereafter as the courtroom is available. The related
11 declaratory judgment proceedings (Cause Nos. _____, and

12 _____) will be heard immediately thereafter and
13 issues of fact, if any, may be submitted to the same jury.
14 Counsel in these proceedings are notified that these causes are
15 double set with Ehrlich v. Alskog, supra.

16 4. With respect to Civil Cause Nos. 86-2-18429-5,
17 86-2-18282-9 and 87-2-14919-6 and associated declaratory judgment
18 actions only, the terms and conditions of the scheduling order
19 dated November 8, 1988, shall be and hereby are modified as
20 follows:

21 1. Cutoff date for completion of discovery in these
22 cases shall be _____, 1989 provided that
23 discovery matters pertaining to any witness common
24 to Jorgenson v. Barnett and the related declaratory
25 judgment proceeding shall be completed on or before
26 April 14, 1989.

27 2. The final pretrial conference in these matters shall
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be set for _____ a.m. in June _____, 1989.

3. The cutoff date for dispositive motions to be filed shall be May _____, 1989 to be heard on June _____, 1989.

4. All trial briefs shall be due on June _____, 1989.

5. Jury instructions shall be due June _____, 1989.

6. All exhibits shall be submitted to the courtroom clerk no later than June _____, 1989.

All other terms and conditions of the scheduling order dated November 10, 1988 are confirmed.

DATED THIS _____ day of _____, 1989.

JOHN W. RILEY, JUDGE

ORIGINAL COURT REPORTS

** PREPARED **
03-30-89 13:57

JOINT STATUS CALENDAR, 2:00 PM
MONDAY, APRIL 3, 1989

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86-2-18282-9 ✓
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86 2 18249 5 18429-5
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88 2 183321 18321-1

AST
LIEN, GARY ET AL
MAYHEW, ALVIN D JR

VS BARNETT, DON ET UX ET AL
HOLLENBECK, RODNEY D

JOINT STATUS REPORT PLA
4-10-89

(Aitken)

FILED

LIEN ET AL

NO. 86-2-18282-9

VS

APR 13 8 52 AM '89

DECISION AND ORDER UPON

BARNETT ET AL

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

REVIEW OF JOINT STATUS REPORT

I. BASIS

1.1 THE NECESSARY PARTIES OR ATTORNEYS HAVE FILED THEIR JOINT STATUS REPORT
ON 3-22-89 WITH THE KING COUNTY SUPERIOR COURT, AS ORDERED.
(DATE)

II. ORDER

2.1 BASED UPON THE INFORMATION PROVIDED WITHIN THE JOINT STATUS REPORT AND
SUBSEQUENT REVIEW BY THE COURT IT IS HEREBY ORDERED THAT:

- A. () A TRIAL DATE OF _____ IS SET BY THE CLERK.
- B. () ATTORNEY FOR THE PLAINTIFF/DEFENDANT IS ORDERED TO PRESENT A FINAL
JUDGMENT/ORDER WITHIN 2 WEEKS FROM THE DATE OF THIS ORDER, OR THE
CASE WILL BE DISMISSED WITHOUT PREJUDICE BY THE CLERK WITHOUT
FURTHER ORDER.
- C. () THE CLERK OF THE COURT IS HEREBY ORDERED TO CLOSE THE CASE BASED
UPON _____ FILED ON _____
(TYPE OF DOCUMENT) (DATE)
- D. () THE COURT ORDERS THIS ACTION DISMISSED WITHOUT PREJUDICE
BECAUSE _____
- E. () THE CASE IS REFERRED TO MANDATORY ARBITRATION (\$35,000 LIMIT
EFFECTIVE 7/1/88). PLAINTIFFS ATTORNEY IS DIRECTED TO FILE A
NOTE FOR TRIAL AND STATEMENT OF ARBITRABILITY WITHIN 14 DAYS, OR
THE CASE WILL BE DISMISSED WITHOUT PREJUDICE BY THE CLERK WITHOUT
FURTHER ORDER.

F. (X) OTHER: That this case has been
consolidated with other cases and
is now on Tract One. Review in ~~the~~ two
months to determine re-assignment &

trial dates

THIS ACTION DUE BY: June 10, 1989

DATED: 4-10-89

Doreen Arthur
JUDGE

27

LIEN ET AL
VS
BARNETT ET AL

NO. 86-2-18282-9

MAYHEW, ALVIN D
WA ST BAR ID # 06639
1016 MAIN STREET
SUMNER, WA 98390

HOLLENBECK, RODNEY D
WA ST BAR ID # 12450
1170 SEA 1ST FINANCIAL CT
W. 601 RIVERSIDE AVE.
SPOKANE, WA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

GARY LIEN, INDIVIDUALLY and) CONSOLIDATED/TRACT ONE
as parent of Scott Lien and) NO. 86-2-18176-8
Randy Lien,) WA

Plaintiff) NO. 86-2-18282-9

DON BARNETT AND BARBARA BARNETT) AFFIDAVIT OF ALVIN D. MAYHEW,
husband and wife; COMMUNITY) JR.
CHAPEL AND BIBLE TRAINING CENTER)
a non-profit association; JOHN)
DOE AND JANE DOE, I-XX; KATHY)
BUTLER, a married person)

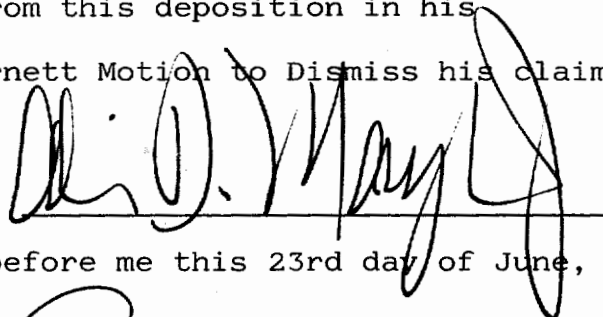
Defendants)

ORIGINAL

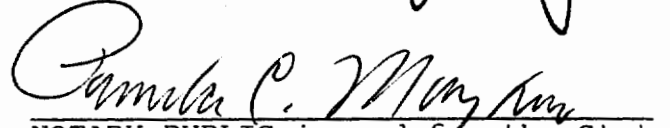
State of Washington)
County of Pierce)
SS.

ALVIN D. MAYHEW, JR., being first duly sworn on oath,
deposes and says:

1. That I am the attorney for the Plaintiff Gary Lien herein.
2. That attached hereto is an excerpt of the deposition of Donald Lee Barnett taken in the Lien Dissolution. Gary Lien intends to rely upon excerpts from this deposition in his arguments against Defendants Barnett Motion to Dismiss his claim.



SUBSCRIBED AND SWORN to before me this 23rd day of June, 1989.


NOTARY PUBLIC in and for the State
of Washington, residing at Sumner.

28
LM

Extra

client's copy **COPY**

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

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JUL 18 1988

Morganis, Austin & Erickson

IN RE THE MARRIAGE OF)

KATHERINE LEE LIEN,)

Wife,)

and)

GARY WILLIAM LIEN,)

Husband.)

NO. D-89397

DEPOSITION OF DONALD LEE BARNETT

BE IT REMEMBERED that the deposition upon oral examination of DONALD LEE BARNETT was taken on Monday, September 13, 1976, at 29 1st Avenue Northwest, Auburn, Washington, before Jennifer Jean Wilson, Notary Public in and for the State of Washington;

Said deposition being taken on behalf of Husband by:

Mr. Eugene Hammermaster,
Attorney at Law,
1207 Main Street,
Sumner, Washington.

Appearing on behalf of Wife:

Ms. Maryalice Norman,
Norman, Magee & Loreen,
Attorneys at Law,
9422 Delridge Way Southwest,
Seattle, Washington.

The following proceedings were had:

2 DONALD LEE BARNETT,

having been first duly sworn by
the Notary, deposed and testified
as follows:

6 DIRECT EXAMINATION

7 BY MR. HAMMERMASTER:

8 Q Reverend Barnes (sic), do you want to state your name and
9 address, please?

10 A My name is Donald Lee Barnett, B-a-r-n-e-t-t.

11 Q Barnett. I'm sorry.

12 A And my address is 1216 Southwest 192nd.

13 Q Southwest what?

14 A 192nd Street

15 Q 192nd.

16 A Seattle, 98166.

17 Q And would you tell us what your profession is, please?

18 A I'm the Pastor of Community Chapel and Bible Training Center.

19 Q And how long have you been in that position?

20 A Nine years.

21 Q And could you tell us what your training is for the ministry?

22 A I attended Northwest Bible Seminary and also took classes
23 from Simpson Bible College in Seattle before I moved to
24 California.

25 Q All right, and how long have you been a pastor?

1 A Nine years.

2 Q All right. So, the entire time of your ministry has been with
3 this one church, is that correct?

4 A Yes.

5 Q All right. During that occasion, during that period of time, have
6 you had occasion to meet Mr. and Mrs. Lien, the parties here?

7 A Yes. Uh huh.

8 Q And can you tell me when you first met either or both of
9 them?

10 A I believe that I've known Kathy about -- I'm not positive of the
11 date here, about three and-a-half years, and Gary about three
12 years. Let me look at this date here on the Bible Card
13 Application. This one. Gary comes in the spring of '74. I think
14 that's about right. I may be a year off. Maybe one more year
15 plus that.

16 Q All right. All right, and what was the occasion of your getting
17 to know either or both of them?

18 A Well, Kathy began coming to the Assembly -- I'm not sure how
19 she began coming, but she began coming to the church and
20 Gary hadn't given his life to Christ at that time and she was
21 concerned about him and a number of months later, perhaps
22 about six, I'm not sure exactly, I invited Gary and Kathy both to
23 the house for dinner and I talked to Gary about things of the
24 Lord and his life and Gary gave his life to Christ at that time
25 and then Gary started coming to the Assembly, so as a pastor in

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greeting them on Sundays, and I would talk with Kathy quite a number of times in the back of the church, and then later as they began to have some marital problems, why I spent considerable time with Kathy, especially, and a fair amount with Gary also.

Q All right. When did you first begin counseling them in relation to these marital problems?

A I'm so poor on dates.

Q Do you have you records with you to refresh your recollection?

A Well, the only records I have on Gary and Kathy, the only record we have in our church is the Bible College Catalog -- Bible College Application, which I brought copies of which you can keep if you wish. We do not have any counseling notes. I'm sure -- I'm sure -- I'm sure Kathy and Gary can probably agree about what date this was, but I don't remember the date.

Q All right. It is your practice not to keep counseling notes or are counseling notes disposed of after a certain period of time or for some reason are there no counseling notes as far as these people are concerned?

A We have -- None of our counselors keep counseling notes, with the exception of -- we have a Minister of Counseling who took the position a couple of years ago. He keeps notes. None of the other counselors that I know of in churches I'm familiar with don't keep notes.

Q Well, you did not keep any notes then?

1 A We never have taken any notes on anybody. We pretty much
2 know the people we're dealing with and what the problems are
3 and we handle them and try to get them resolved.

4 Q All right. Would you tell me then what the counseling was or
5 what it was that you were counseling both or either of these
6 people about?

7 MS. NORMAN: At this point, I'd like to say that Kathy
8 claims a privilege in regard to the communications between her
9 and Reverend Barnett.

10 MR. HAMMERMASTER: Okay.

11 Q Do you want to proceed?

12 THE WITNESS: (To Ms. Norman) What does that
13 statement mean, your statement?

14 MS. NORMAN: That means that if this thing goes to
15 trial --

16 THE WITNESS: Uh huh.

17 MS. NORMAN: -- and if you're called as a witness,
18 that Kathy can then object to your telling the Court things that
19 she told you in confidence.

20 THE WITNESS: Oh, yes. Yes. As a minister, I'm not
21 required to divulge any confidential information given by
22 either party.

23 MR. HAMMERMASTER: No, I understand that, but
24 that has nothing to do with what we are hearing here. That has
25 to do when we get to the courtroom.

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Q (By Mr. Hammermaster) All right. Would you tell us what it is that you were counseling either or both of these people in regards to?

A His -- Well, I was counseling them in regards to two things. One is to the spiritual commitment to the Lord Jesus Christ and the spiritual life and the second thing was in relation to their marital difficulties and with the view of trying to get them to come back together again and life with each other harmoniously. Now, I assume you probably want some more details.

Q Yes, I do.

A Let me go back and see what I can pick up here in my mind.

Q Sure. Let me ask you this: Do you recall who the first person was that came to you concerning the marital problems, whether it was Mr. Lien, Mrs. Lien or did they both come together the first time?

A Well, I think that Kathy -- Kathy always tried to put up a front or the position to me that the marriage was -- Let me go back beyond that a little bit and add maybe -- offer a little bit.

Q All right. Fine.

A Gary fell away from his commitment to the Lord I think on two occasions during this time and, of course, each time that was a very discouraging period for Kathy, and when I would talk with Kathy, she would try to maintain that Gary was a real wonderful husband and everything was going fine and he was

1 kind of an ideal husband, but I heard from Kathy's girlfriend
2 that they were having some marital problems and that she
3 overheard them fighting, and so I think I was the one, if my
4 memory is correct, that broached the question with Kathy as
5 how she's getting along and she wanted to, I think, maintain
6 that they were getting along fine, but I think finally she began
7 to open up as things got worse, that they were having some
8 problems, and I don't really know what I -- what the exact
9 words were. I've counseled with them so many times that I
10 can't really get them all separated in real precise order, but --
11 and I don't know what made Kathy really turn off from Gary,
12 but once she did and began to -- she got to a place where she
13 just turned her heart off towards him and --

14 Q Would you tell us how you came to the conclusion that she had
15 reached that position? What was the conversation you'd had
16 with Kathy over the -- whether it was weeks or months or
17 whatever it was that drew you to that conclusion that she was
18 turned off to him?

19 A Okay. I don't know quite the whole story in detailed order but
20 just a vague question but I'll try my best here. I have a tough
21 time remembering sequence is my problem but the facts I
22 know are that she got to a place where she wouldn't even talk
23 with Gary and Gary would be pressing her unmercifully in
24 some areas of where you went, how long you were out, what
25 time -- who you were with, what time did you go back, and

1 Kathy was complaining to me that Gary was putting her under
2 a fantastic strain, that he wouldn't let up, day and night, that
3 he was exceedingly jealous and that -- and she just couldn't
4 stand it any longer and she just turned her heart off and so she
5 would not answer him for long periods of time and she was -- I
6 was at their house, talked with them both and she was --
7 really had a really bad attitude expressed towards him. She
8 was -- just wouldn't communicate and --

9 Q What was it that she didn't like about him?

10 A Well, the constant pressure, like she was being followed by
11 Scotland Yard as to -- she had to give an account of every
12 single detail, where she went, how long, who she saw, did you
13 talk with this person, what did he do. She -- He would follow
14 her around to places, where she went. He was worried about
15 his wife, exceedingly worried, and he had some grounds to be
16 worried.

17 Q What were the things that gave him right to worry?

18 A Well, he saw his wife spending a lot of time talking -- maybe
19 talking with one of his friends, with one of Gary's friends, and
20 he -- she went -- she went to see -- later to see another fellow,
21 one of Gary's friends. Things were pretty bad by this time and
22 she began seeing him and --

23 Q You mean on a social basis?

24 A Well, she -- I think she began to. I think she began -- in her
25 heart began to get involved with him, I think.

Civil Tract One
Honorable John W. Riley
SUPERIOR COURT OF WASHINGTON, FOR KING COUNTY

GARY LIEN, INDIVIDUALLY and)
as parent of Scott Lien and)
Randy Lien)

CONSOLIDATED/TRACT ONE
NO. 86-2-18176-8

Plaintiffs)

NO. 86-2-18282-9

DON BARNETT AND BARBARA BARNETT,)
husband and wife; COMMUNITY CHAPEL)
AND BIBLE TRAINING CENTER a non-)
profit association; JOHN DOE AND)
JANE DOE, I-XX; KATHY BUTLER, a)
married person)

AFFIDAVIT OF MAILING

Defendants)

ORIGINAL

State of Washington)
County of Pierce)
SS.

Pam Mayhew, being first duly sworn on oath, deposes and says:

1. That I am the secretary for Alvin D. Mayhew, Jr.; that
on the 23rd day of June, 1989, I mailed copies of the following
documents in a properly stamped, addressed envelope as follows:

See attached list

Affidavit of Alvin D. Mayhew, Jr. and Brief in Opposition
to Motion to Dismiss.

Pamela C. Mayhew

SUBSCRIBED AND SWORN to before me this 23rd day Of June, 1989.

Arline B. Challman
NOTARY PUBLIC in and for the
State of Washington, residing
at Sumner.

29
LM

ALVIN D. MAYHEW, JR.

ATTORNEY AT LAW
1002 MAIN STREET
SUMNER, WASHINGTON 98390

To: Rodney Hollenbeck
Timothy J. Donaldson
Evans, Cravens & Lackie
Suite 3100 Columbia Center
701 5th Ave
Seattle, Wa 98104

ALVIN D. MAYHEW, JR.

ATTORNEY AT LAW
1002 MAIN STREET
SUMNER, WASHINGTON 98390

To: Judge John W. Riley
King County Courthouse
Seattle, Wa 98104

ALVIN D. MAYHEW, JR.

ATTORNEY AT LAW
1002 MAIN STREET
SUMNER, WASHINGTON 98390

To: Bruce Winchell
Lane Powell Moss & Miller
3800 Rainier Bank Tower
Seattle, Wa 98101

ALVIN D. MAYHEW, JR.

ATTORNEY AT LAW
1002 MAIN STREET
SUMNER, WASHINGTON 98390

To: Don M. Gulliford
PO Box 548
Bellevue, Wa 98009

ALVIN D. MAYHEW, JR.

ATTORNEY AT LAW
1002 MAIN STREET
SUMNER, WASHINGTON 98390

To: Robert Rohan/Anthony Shapiro
Schweppe Krug & Taussend
800 Waterfront Place One
1011 Western Ave
Seattle, Wa 98104

NON-TRIAL

SCOMIS code:

PREHRG DISPHRG HEARING
 POSTHRG MINUTE STLCON

Department No. DEPT. 25

Date: JUN 30 1989

Page 1 of 1

JUDGE: John W. Riley

BAILIFF: BETH CUSTER

COURT CLERK: SHIRLEY KEENAN

REPORTER: DIANE STANLEY

King County Cause No. 86-2-18282-9

Case Caption

GARY LIEN et al -vs- DON BARNETT

Litigants and attorneys

PLTE. REPRESENTED BY COUNSEL ALVIN MAYHEW

DEFTS BARNETT REPRESENTED BY COUNSEL ROD HOLLENBECK

DEFT COMMUNITY CHAPEL BIBLE TRAINING CENTER. REPRESENTED BY
COUNSEL TONY SHAPIRO

Minute Entry

- DEFTS MOTION TO DISMISS

→

REPORTED

DEFTS JOINT MOTION TO DISMISS FOR FAILURE TO STATE
A CLAIM

GRANTED

ORDER OF DISMISSAL (ALL DEFTS) signed

STIPULATION FOR AND ORDER OF DISMISSAL
OF THE CLAIMS OF SCOTT LIEN AND RANDY LIEN
AGAINST DEFTS BARNETT signed

sub #
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RECEIVED

SEP 28 1989

SCHWEPPE, KRUG & TAUSEND

CIVIL TRACK ONE
HONORABLE JOHN W. RILEY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

GARY LIEN, individually and
as parent of SCOTT LIEN and
RANDY LIEN,

Plaintiff,

v.

DON BARNETT and BARBARA BARNETT,
husband and wife; COMMUNITY
CHAPEL AND BIBLE TRAINING
CENTER, a non-profit
association; JOHN DOE and JANE
DOE, I-XX; KATHY BUTLER, a
married person,

Defendants.

)
) CONSOLIDATED/TRACK ONE
) No. 86-2-18176-8

)
) No. 86-2-18282-9 ✓

)
) DEFENDANTS BARNETT'S DESIGNATION
) OF ADDITIONAL CLERK'S PAPERS

)
) (CLERK'S ACTION REQUIRED)

Comes now, defendants Barnett and designate the following
additional Clerk's papers for transmittal to the Court of Appeals,
State of Washington, Division I, Cause No. 24572-4-I:

1. OBJECTION TO AND MOTION TO STRIKE AFFIDAVIT OF ALVIN D.
MAYHEW, JR., filed on or about June 27, 1989.

DATED this 27th day of September, 1989.

EVANS, GRAVEN & LACKIE, P.S.

By: Tim Donaldson
TIMOTHY J. DONALDSON
WSBA #17128
Attorneys for Defendants Barnett

DEF. BARNETTS' DESIGNATION OF
ADDITIONAL CLERK'S PAPERS
1500\4912\DES - Page: 1

Evans, Graven & Lackie, P.S.

LAW FIRM

31
SOUTH 3100 COLUMBIA CENTER ST. SUITE 1000
SEATTLE, WASHINGTON 98104

(206) 380-0000

IN THE SUPERIOR COURT, KING COUNTY

GARY LIEN, individually
and as parent of SCOTT
LIEN and RANDY LIEN
V
DON BARNETT, et ux.,
et al.

CAUSE NUMBER

86 2 18282 9

CONS/ Track one 86 2 18176 8

AFFIDAVIT OF DELIVERY

DOCUMENTS:

DEFENDANTS BARNETTS' DESIGNATION OF ADDITIONAL CLERK'S PAPERS

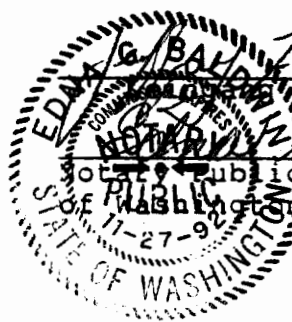
STATE OF WASHINGTON)
COUNTY OF PIERCE) ss

The undersigned, being first duly sworn on oath, deposes and says: That he/she is now and at all times herein mentioned was a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action and competent to be a witness therein.

That on 9/28/89 at 9:30 AM at the address of
1016 Main St, Sumner

Pierce County, Washington, affiant duly delivered the above-described documents in the above-entitled matter to the offices of Alvin D. Mayhew, Attorney at Law by leaving them with the receptionist or other authorized person, or by delivering them as described herewith: _____

Subscribed and sworn
to before me 9/28/89


[Signature] egb
[Signature]
Notary Public in and for the State
of Washington, residing at Tacoma

32
BY

FILED
1989 OCT -4 PM 4:09
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

CIVIL TRACK ONE
HONORABLE JOHN W. RILEY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

| | | | |
|----|----------------------------------|---|-------------------------------------|
| 1 | GARY LIEN, individually and |) | |
| 2 | as parent of SCOTT LIEN and |) | CONSOLIDATED/TRACK ONE |
| 3 | RANDY LIEN, |) | No. 86-2-18176-8 |
| 4 | |) | |
| 5 | Plaintiff, |) | |
| 6 | |) | |
| 7 | v. |) | No. 86-2-18282-9 |
| 8 | |) | |
| 9 | DON BARNETT and BARBARA BARNETT, |) | OBJECTION TO AND |
| 10 | husband and wife; COMMUNITY |) | MOTION TO STRIKE |
| 11 | CHapel AND BIBLE TRAINING |) | AFFIDAVIT OF |
| 12 | CENTER, a non-profit |) | ALVIN D. MAYHEW, JR. |
| 13 | association; JOHN DOE and JANE |) | |
| 14 | DOE, I-XX; KATHY BUTLER, a |) | |
| 15 | married person, |) | [Re: Hearing on Defendants |
| 16 | Defendants. |) | Barnett's Motion to Dismiss |
| 17 | |) | Noted For Friday, 6/30/89, 8:30 am] |

COME NOW defendants Barnett, by their undersigned counsel, and object to and move to strike the Affidavit of Alvin D. Mayhew, Jr., filed in opposition to Defendants' Motion to Dismiss, on the following bases:

1. Defendants Barnett's motion is brought pursuant to Civil Rule 12(b)(6) and matters outside of the pleadings cannot be considered.

2. The Affidavit of Alvin D. Mayhew, Jr., does not affirmatively show that affiant is competent to testify as to the contents of the deposition attached and the unsworn attachments from another proceeding are heresay.

3. The Affidavit of Alvin D. Mayhew, Jr., fails to provide sworn or certified copies of the deposition to which he refers.

OBJECTION TO AND MOTION TO
STRIKE AFFID OF ALVIN MAYHEW
1500\4912\411 - Page: 1

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Evans, Craven Luckie, P.S.
LAWYERS

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

GARY LIEN ET AL

SEP 17 AM 11:05

INDEX TO CLERK'S PAPERS

VS

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

CWA No. 24572-4-I

DON BARNETT ET UX ET AL

) King County No. 86-2-18282-9

) Trial Judge: JOHN RILEY

ALVIN D. MAYHEW
1016 MAIN STREET
SUMNER WA 98390

RODNEY D. HOLLENBECK
1170 SEAFIRST FINAN. CTR.
W. 601 RIVERSIDE AVE.
SPOKANE WA

TIMOTHY DONALDSON **DESIGNATING PARTY**
701 5TH AVENUE
SUITE 3100 COLUMBIA CTR.
SEATTLE WA 98104

Amount due in 30 days \$ 8.00
Clerk's Papers will be transmitted upon pay-
ment by money order, personal check drawn on
King County bank, cashiers or certified
check payable to Superior Court Clerk, ATTN:
Customer service

SUB No.'s

28 AFFIDAVIT OF ALVIN D. MAYHEW

PAGES

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A. Jone



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

FILED

Gary Lien, et al.

1989 DEC -1 PM 3:30

Plaintiff/Petitioner
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

vs/and

Don Barnett, et ux.; et al Defendant/Respondent

King County No. 86-2-28276 8
Court of Appeals No. 86-2-18282-9
Supreme Court No. 24572 -4-I

This is a Supplemental Yes No
Exhibits are Requested Yes No

DESIGNATION OF CLERKS PAPERS
(Clerks Action Required)

For the Clerk to prepare the Index, the attached docket must be marked clearly. Any designation lacking the required information shall be returned to requestor with a cover letter identifying defect.

If Exhibits requested, list below:

The excerpt of the Deposition of Donald Lee Barnett, consisting of
8 pages, attached to the Affidavit of Alvin D. Mayhew, Jr., filed
June 26, 1989, under cause No. 86-2-18282-9, Sub No. 28

I understand upon receipt of acceptable payment, the Clerk will transmit the Clerks Papers to the appropriate court. I agree to pay the amount owed within 30 days of receiving a copy of the Index.

Signed: *Alvin D. Mayhew* Address: 1016 Main

Printed Name: ALVIN D. MAYHEW, JR. Summer, Wa 98390

Attorney for the: Plaintiff/Appellant Telephone: (206) 863-2286

Attachment - Copy of Docket
DESIGNATION OF CLERKS PAPERS
DSGCKP/DSCPEX - RAP 9.7(a)
24/CSA2-314

(Replaces) CI-09.0100-11/84-WPF
CI-09.0100-7/78- WPF

zfx

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

GARY LIEN ET AL

INDEX TO CLERK'S PAPERS

vs

09 DEC 27 PM 3:32

COVA

No. 24574-4-I

DON BARNETT ET UX ET AL

King County No. 86-2-18282-9

SUPERIOR COURT CLERK
SEATTLE, WA

Trial Judge: JOHN RILEY

ALVIN D. MAYHEW
1016 MAIN STREET
SUMNER WA 98390

DESIGNATING PARTY

RODNEY D. HOLLENBECK
3100 COLUMBIA CTR.BLDG.
701 FIFTH AVE.
SEATTLE WA 98104

TIMOTHY DONALDSON
701 5TH AVENUE
SUITE 3100 COLUMBIA CTR
SEATTLE WA 98104

Amount due in 30 days \$ 8.00.
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King County Bank of America or certified
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SUB No.'s

28 AFFIDAVIT OF ALVIN D MAYHEW JR

PAGES

1 - 9

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90

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

GARY LIEN ET AL

) INDEX TO CLERK'S PAPERS

vs

00 FEB 20 11:00

) No. 24574-4-1

DON BARNETT ET UX ET AL

RECORDED
SUPERIOR COURT CLERK
SEATTLE, WA

) King County No. 86-2-18282-9

) Trial Judge: JOHN RILEY

ALVIN D. MAYHEW
1016 MAIN STREET
SUMNER WA 98390

RODNEY D. HOLLENBECK
3100 COLUMBIA CTR BLDG.
701 5TH AVENUE
SEATTLE WA 98104

TIMOTHY DONALDSON **DESIGNATING PARTY**
701 5TH AVENUE
SUITE 3100 COLUMBIA CTR
SEATTLE WA 98104

Amount due in 30 days \$ 4.50
Clerk's Papers will be transmitted upon pay-
ment by money order, personal check drawn on
King County bank, cashiers or certified
check payable to Superior Court Clerk, ATTN:
Customer service

SUB No.'s

PAGES

33 OBJECTION AND MOTION TO STRIKE AFFIDAVIT OF ALVID
D. MAYHEW, JR.

1 - 2

Per RAP 9.7 (a), this index
is provided to each party.
The "Designating Party" is
responsible for payment.

37
JB

** PREPARED **
12-31-90 10:02

JOINT STATUS CALENDAR, 2:00 PM
FRIDAY, DECEMBER 28, 1990

PAGE 2

FILED
KING COUNTY, WASHINGTON
F-3 - 4 1991
SUPERIOR COURT CLERK

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86-2-18282-9 ✓
86 2 18176 8 ✓
86-2-18429-5
86-2-26360-8
88-2-18321-0
88-2-04615-8

LIEN, GARY ET AL
MAYHEW, ALVIN D JR

VS BARNETT, DON ET UX ET AL
HOLLENBECK, RODNEY D

CASE ON APPEAL

*Judge Martinez
returned these
they were dismissed
last April, 1989.*

ORIGINAL COUNTY DEPARTMENT

** PREPARED **
12-31-90 10:02

JOINT STATUS CALENDAR, 2:00 PM
FRIDAY, DECEMBER 28, 1990

2.

86-2-18282-9
86 2 18176 8
86-2-18429-5
86-2-26360-8
88-2-18321-0
88-2-04615-8

LIEN, GARY ET AL
MAYHEW, ALVIN D JR

VS BARNETT, DON ET UX ET AL
HOLLENBECK, RODNEY D

CASE ON APPEAL

AST

2-01-91

AST Judge Martiniz