

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

STACY IRWIN and KIMBERLY FERREIRO,

Plaintiffs,

v.

CITY OF SEATTLE, WASHINGTON, a
municipal corporation under the laws of the
State of Washington,

Defendant.

Case No. 21-2-11739-9 SEA

**DECLARATION OF SUSAN B.
MINDENBERGS IN SUPPORT
OF PLAINTIFFS' MOTION TO
COMPEL CURRENT ADDRESS
OF FORMER MAYOR JENNY
DURKAN OR A PERSON
DESIGNATED TO ACCEPT
SERVICE OF PROCESS ON
BEHALF OF JENNY DURKAN**

Susan B. Mindenbergs does hereby declare under penalty of perjury under the laws of the State of Washington that the following is true and correct, that I am over the age of 18 years and competent to testify to matters in this case, and that I do so from personal knowledge:

1. I represent Plaintiffs Stacy Irwin and Kimberly Ferreiro in the above-entitled action with my co-counsel, Jeffrey L. Needle.

2. On September 28, 2022, the parties participated in a CR 26(i)/37(a) discovery conference. At that conference, Plaintiffs indicated their intent to depose former Mayor Durkan and

1 sought a physical address to serve a subpoena or a designated representative to accept service of
2 process.

3 3. Attached hereto as **Exhibit A** is a true and correct copy of the letter dated October 4,
4 2022, from Plaintiffs' counsel to Defendant's counsel summarizing the parties' CR 37 Conference
5 of September 28, 2022.

6 4. Attached hereto as **Exhibit B** is a true and correct copy of the response letter dated
7 October 20, 2022, from Defendant's counsel to Plaintiffs' counsel.

8 5. Attached hereto as **Exhibit C** is a true and correct copy of Defendant City of Seattle's
9 Disclosure of Possible Primary Witnesses dated October 24, 2022.

10 6. Attached hereto as **Exhibit D** is a true and correct copy of the email from Plaintiffs'
11 counsel to Defendant's counsel dated February 6, 2023.

12 7. Attached hereto as **Exhibit E** is a true and correct copy of Defendant City of Seattle's
13 Second Supplemental Objections and Responses to Interrogatory Nos. 2-3 and 11 of Plaintiffs' First
14 Interrogatories and Requests for Production dated February 8, 2023.

15 8. Attached hereto as **Exhibit F** is a true and correct copy of the email from Defendant's
16 counsel to Plaintiffs' counsel dated February 9, 2023.

17 9. As of February 14, 2023, defense counsel has not provided my office with either the
18 last known physical address of the City of Seattle's former Mayor Jenny Durkan or a person
19 designated to accept service of process on behalf of former Mayor Durkan.

20 10. Plaintiffs are willing to maintain confidentiality for former Mayor Durkan's physical
21 address since she not only served as Seattle mayor, but also served as a former federal prosecutor.

22
23 DATED this 14th day of February 2023, at Seattle, Washington.

24 By: /s/ Susan B. Mindenbergs
25 Susan B. Mindenbergs, WSBA #20545

Declaration of Susan B. Mindenbergs in Support of Plaintiffs' Motion to Compel

Exhibit A

Law Offices of Jeffrey L. Needle

705 Second Avenue - Hogue Building
Suite 1050 - Seattle, Washington 98104
Tel. (206) 447-1560 - Fax. (206) 447-1523
jneedle@jneedlelaw.com

Jeffrey L. Needle
Lonnie Lopez
Paralegal

October 4, 2022

VIA EMAIL TO jsavitt@sbwLLP.com
VIA EMAIL TO bbalanda@sbwLLP.com
VIA EMAIL TO sgohmannbigelow@sbwLLP.com

James P. Savitt, Esq.
Brandi B. Balanda, Esq.
Sarah Gohmann Bigelow, Esq.
SAVITT BRUCE & WILLEY LLP
1425 Fourth Avenue, Suite 800
Seattle, WA 98101

Re: Stacy Irwin and Kimberly Ferreiro v. City of Seattle, Washington
Case No. 21-2-11739-9 SEA

Dear Counsel:

This letter serves to memorialize the parties' CR 37 Conference of Wednesday, September 28, 2022.

1. Chen Deposition:

The parties have agreed to reschedule Ms. Chen's deposition scheduled for September 21 to a time after the City has completed its production of documents to Plaintiffs. The parties will endeavor to reschedule Ms. Chen's deposition before Thanksgiving. Neither party has control over when remaining attorney client privilege issues will be resolved. Plaintiffs will require the resolution of those issues prior to Ms. Chen's deposition.

Plaintiffs anticipate the Ms. Chen's deposition will take two days. Darwin Roberts, attorney for Michelle Chen, will let the parties know by October 5 if the two-day Chen deposition will be on consecutive days or days that are non-consecutive, but reasonably close in time – no longer than a week apart. The City does not object to the non-consecutive days depending on what Chen wants.

The parties agreed that if at the conclusion of Ms. Chen's two-day deposition there is insufficient time for the City to question Ms. Chen, the City may note Ms. Chen's deposition for a different date and that deposition will not count against the 10 depositions it is allowed to take

under the local rules. Plaintiffs will not agree to allocate time to the Defendant to question Ms. Chen from the time authorized by LCR 26(b)(3).

Neither Mr. Roberts nor Plaintiffs' counsel are available for Chen's deposition during the week of November 7, 2022.

3. Ms. Ferreiro's Deposition.

Ms. Ferreiro deposition is currently scheduled for October 20, 2022. That date is stricken. It is anticipated that the Ferreiro deposition can be rescheduled for some time in December after the Chen deposition is concluded. It is Plaintiffs' position that Chen's deposition must be concluded before either of Plaintiffs' depositions and this scheduling may be dependent upon the resolution of outstanding attorney client issues.

4. Michell Chen's Claim of Privilege or Privacy.

Darwin Roberts agreed to provide both parties with a privilege log on or before October 5, 2022. The City will provide plaintiffs with a list of the Chen documents it has sequestered.

5. Defendant's Rolling Production.

The Plaintiffs served upon the Defendant its First Request of Discovery on October 26, 2021. On December 13, 2022, the Defendant responded with what it described as the first of "rolling installments" responsive to Plaintiffs' October Discovery Request. Plaintiffs objected to the production of discovery by rolling installments orally and in an email dated March 29, 2022. Plaintiffs' counsel stated in the email that rolling productions were not unacceptable and that immediate compliance was required. A letter from Brandi Balanda dated April 22, 2022 memorialized that the parties engaged in meet and confer on April 14 and April 20, and that on those occasions the parties addressed Plaintiffs' concerns about the inadequacy of "rolling productions." The City stated that it was going to proceed with rolling productions over the Plaintiffs' objections.

It remains Plaintiffs' position that if the City had responded to discovery as required by Court Rules, the attorney client privilege issues asserted by the Defendant in their late disclosed documents would have been resolved many months ago. Likewise, Plaintiffs could have proceeded with depositions and related discovery much sooner. It is Plaintiffs' position that they have experienced extreme prejudice by the Defendants' insistence on "rolling production" of documents over Plaintiffs' objection.

City has now agreed to complete all document production by October 15, 2022.

6. Defendant's 28-Page Privilege Log:

The City has produced a 28-page privilege log not including those documents presently under an *in camera* review by the court. The privilege log begins at COS 00004151 despite the fact that earlier numbered documents produced by the City have been redacted but do not appear on the privilege log. An example is a copy of the SEEC investigative report (COS_000009-COS_000022). The City has agreed to review and get back to Plaintiffs' counsel about an updated privilege log.

Plaintiffs do not intend to challenge any redactions in documents listed in the privilege log dated before August 2020 but do not waive the necessity of a privilege log. Plaintiffs do challenge all redactions in all documents in the privilege log dated August 2020 to present consistent with their objections to those documents presently under *in camera* review. Defendant has not agreed to remove any of the redactions of documents dated August 2020 to present.

7. Formas Deposition.

Stephanie Formas has contacted the City and Savitt Bruce will represent her and accept service of process for her deposition. Plaintiffs will provide proposed dates for the Formas deposition.

8. Durkan Deposition.

Plaintiffs intend to take the deposition of former Mayor Jenny Durkan. Plaintiffs do not have Mayor Durkan's address and therefore are unable to effect service of process. Plaintiffs require that either a representative of the City of Seattle agree to accept service of process on behalf of Mayor Duran or provide Mayor Durkan's last known address. In the alternative, Plaintiffs will file a motion to compel disclosure of her last known address. Defense counsel has agreed to inquire and get back to us.

9. Alternative Dispute Resolution:

The court-imposed deadline for ADR is 2/27/23. The City should be mindful that many mediators are unavailable for at least two months before scheduling. The City will get back to Plaintiffs about the status of mediation.

Savitt Bruce & Willey, LLP
October 4, 2022
Page four

Very truly yours,

/s/ Jeffrey Needle
Jeffrey Needle
Susan Mindenbergs
Attorneys for Plaintiff

Cc: Darwin Roberts

Declaration of Susan B. Mindenbergs in
Support of Plaintiffs' Motion to Compel

Exhibit B

October 20, 2022

Via Email/PDF

Ms. Susan B. Mindenbergs [susanmm@msn.com]
LAW OFFICE OF SUSAN B. MINDENBERGS
705 Second Avenue, Suite 1050
Seattle, WA 98104

Mr. Jeffrey L. Needle [jneedle@wolfenet.com; jneedle@jneedlelaw.com]
LAW OFFICE OF JEFFREY L. NEEDLE
705 Second Avenue, Suite 1050
Seattle, WA 98104

Re: *Irwin and Ferreiro v. City of Seattle* | KCSC No. 21-2-11739-9 SEA

Dear Ms. Mindenbergs and Mr. Needle:

We write in reply to your October 4 correspondence. The City's agreements are as stated herein.

1. Ms. Chen's Deposition. Plaintiffs are free to determine when they would like to depose Ms. Chen. The vast bulk of the City's documents responsive to Plaintiffs' discovery has long ago been provided, and the City confirmed last week that it has concluded its production. If Plaintiffs wish to delay Ms. Chen's deposition while they challenge or address privilege or other issues, they are free to do so but that is their choice.

The City continues to reserve its right to examine Ms. Chen as part of the deposition of Ms. Chen noticed by Plaintiffs. The authority for this right we provided to you remains unchallenged. We will continue to work with Plaintiffs and with Ms. Chen in hopes of finding an agreement that will avoid the need for motion practice on this issue. We do not agree that the issue would be resolved merely by the City noting its own deposition of Ms. Chen.

We await communication from you regarding when Plaintiffs would like to schedule Ms. Chen's deposition.

Ms. Susan B. Mindenbergs
Mr. Jeffrey L. Needle
October 20, 2022
Page 2

2. Ms. Ferreiro's Deposition. The City disagrees that Plaintiffs may delay their depositions until a time of their choosing, or that there is a basis to link the timing of Ms. Ferreiro's deposition with Ms. Chen's. If there is authority for your demand that "Chen's deposition must be concluded before either of Plaintiffs' depositions", please provide such authority.

The City has been requesting dates for the deposition of Ms. Ferreiro since August 12. On September 21, we issued a notice for her deposition on October 20 and reiterated our willingness to find alternative dates if that did not work for her or you. To date Plaintiffs have refused to provide any date at all. Accordingly, we are issuing an Amended Notice of Deposition of Plaintiff Kim Ferreiro herewith, noting Ms. Ferreiro's deposition for November 9, 2022.

As before and as is our practice we are happy to reschedule this to a mutually agreeable date if this date cannot work for Ms. Ferreiro. And, as we have indicated, the City is willing to defer Ms. Ferreiro's deposition until after Ms. Chen's deposition, provided Ms. Chen's deposition occurs in the near term and by November 30. It is not acceptable, however, to delay Ms. Ferreiro's deposition indefinitely. If the parties cannot agree on a firm date in 2022 for Ms. Ferreiro's deposition, the City expects to enforce the Notice of Deposition for November 9.

3. Ms. Chen's Claim of Privilege or Privacy. Mr. Roberts has provided the parties with the first installment of Ms. Chen's privilege log. We have responded and set forth a process to allow the City an opportunity to review documents for privilege and responsiveness, which obviates any need for a list of the sequestered documents. Mr. Roberts will provide the parties with logs identifying any documents over which Ms. Chen has asserted privilege and/or privacy protections. After these logs are provided, and to the extent there is any non-privileged and responsive material that has been sequestered, the City will produce it to Plaintiffs. The City will perform its part expeditiously.

4. The City's Document Production. Both parties served initial written discovery in October 2021, and then agreed to delay serving responses until December and after each had served initial objections. At the same time the City served its responses to Plaintiffs' written discovery, it started producing documents. As Ms. Balanda explained in her April 22 correspondence, given the breadth of documents requested, the City has produced documents on a rolling basis to ensure that responsive documents are produced as quickly as possible. We also note that it was not until the April-May meet and confer process that key issues and objections were resolved such that there was clarity on the scope of documents to be produced—many documents were the subject of unresolved objections at that time, through no fault of the City. Like the

Ms. Susan B. Mindenbergs
Mr. Jeffrey L. Needle
October 20, 2022
Page 3

City, Plaintiffs have produced their documents in multiple installments with the most recent sets being provided in August, or about 10 months after receipt of the discovery requests.

The City's production has not delayed Plaintiffs' ability to challenge the City's assertion of privilege. The privilege issues that are currently pending before the Court were raised by the City, in motions submitted on July 1, 2022—more than three months ago. It is not the City's fault that the motions have not been decided. Furthermore, had Plaintiffs promptly returned the City's privileged documents when first requested, these privilege issues would have been brought to the Court's attention sooner. Finally, Plaintiffs have now explained that their strategy is to challenge each and every assertion of privilege that the City makes to any documents dated August 2020 or later. Plaintiffs declined to take action on this strategy, or even to disclose it, till now, and the attempt to blame the City for these choices is unavailing.

5. The City's Privilege Log. The City has reviewed its privilege log and notes that there are documents that were produced in redacted form but inadvertently omitted from the log. Based on our initial review, we believe that most of these omitted documents are duplicative of documents that were logged elsewhere on the log—for example, a logged copy of the SEEC Report (COS_000009-22) can also be found on the log at COS_00012118-12130. The City will provide Plaintiffs with an updated log which includes these omitted documents.

If there are specific documents about which Plaintiffs challenge the City's assertion of privilege, the City is willing to meet and confer about these documents and review its redactions in light of Plaintiffs' concerns.

The City disagrees with Plaintiffs' categorical exception and/or waiver arguments that all post-August 2020 documents are not privileged.

6. Ms. Formas's Deposition. We are in the process of confirming our representation of Ms. Formas. Assuming we are engaged, we will follow-up with you to discuss timing and, upon agreement in that regard, accept service on her behalf. As we mentioned, Ms. Formas is late in her pregnancy, and this will impact the timing of her deposition.

7. Ms. Durkan's Deposition. We recognize the issues you raise with regard to service of a deposition subpoena upon Ms. Durkan. We are exploring means for service to be accepted and will be back to you in this regard as soon as we can.

Ms. Susan B. Mindenbergs
Mr. Jeffrey L. Needle
October 20, 2022
Page 4

8. Alternative Dispute Resolution. Thank you for raising this issue. The City is amenable to ADR and aware of the deadline. We will reply further under separate cover.

We do not agree that your October 4 correspondence is an accurate record of the parties' meet-and-confer discussions but have only addressed the inaccuracies to the extent necessary to advance the ball in resolving the pending matters.

Yours truly,

A handwritten signature in black ink, appearing to read "Sarah Gohmann Bigelow". The signature is written in a cursive, somewhat stylized script.

Sarah Gohmann Bigelow

Enclosure

cc: Mr. Darwin Roberts [roberts@goldfarb-huck.com]

Declaration of Susan B. Mindenbergs in
Support of Plaintiffs' Motion to Compel

Exhibit C

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

STACY IRWIN and KIMBERLY FERREIRO,

Plaintiffs,

v.

CITY OF SEATTLE, a municipal corporation
under the laws of the State of Washington,

Defendant.

NO. 21-2-11739-9 SEA

**CITY OF SEATTLE’S DISCLOSURE
OF POSSIBLE PRIMARY
WITNESSES**

Pursuant to LCR 26(k)(1) and the March 16, 2022 Stipulation and Order Continuing Trial Date and Amending Case Schedule, Defendant City of Seattle (the “City”) submits the following list of possible primary witnesses. This list is based on the City’s current knowledge of the facts, events, claims, and defenses at issue. The listing of a name on this list is not an admission or acknowledgement by the City that the person in fact has relevant or discoverable information. The City reserves all objections concerning the production, testimony, or scope of inquiry to be had of any witness.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

I. LAY WITNESSES

The City identifies the lay witnesses listed below whom it reserves the option to call as witnesses at trial. The City reserves the right to amend and/or supplement this disclosure to include additional information or witnesses.

1. **Wayne Barnett**—c/o Savitt Bruce & Willey LLP, 1425 Fourth Avenue Suite 800, Seattle, Washington 98101; (206) 749-0500 (herein “SBW”). Mr. Barnett is the Executive Director for the Seattle Ethics and Elections Commission (“SEEC”). Mr. Barnett has knowledge regarding the March 4, 2021 whistleblower complaint (Case No. 21-WBI-0304-1) (the “Whistleblower Complaint”), the City’s response to the Whistleblower Complaint including without limitation the SEEC’s report issued in response, and related matters.

2. **Lyle Canceko**—1520 NE 85th Street, Seattle, Washington 98115; (206) 818-8967. Mr. Canceko is a former office administrator for the Mayor’s Office. Mr. Canceko is likely to have knowledge regarding Plaintiffs’ performance of their duties and issues concerning the supervision of their work, the plan to reorganize the public disclosure positions at the Mayor’s Office, and related matters. He may also have other information pertinent to this lawsuit.

3. **Michelle Chen**—c/o Darwin Roberts, Goldfarb & Huck PLLC, 925 Fourth Avenue, Suite 3950, Seattle, Washington, 98104. Ms. Chen is former legal counsel to the Mayor’s Office. Ms. Chen has knowledge regarding Plaintiffs’ performance of their duties and issues concerning the supervision of their work, the reorganization of the public disclosure positions at the Mayor’s Office, the events described in the Whistleblower Complaint and the SEEC’s report issued in response, actions taken by the City in response to the Whistleblower Complaint and SEEC report, and related matters. She may also have other information pertinent to this lawsuit.

4. **Jenny Durkan.** Former Mayor Durkan has knowledge regarding the City’s response to the SEEC’s Report, and related matters. She may also have other information pertinent to this lawsuit.

1 5. **Kimberly Ferreiro**—c/o Mr. Jeffrey L. Needle and Ms. Susan B. Mindenbergs,
2 Law Office of Jeffrey L. Needle, Law Office of Susan B. Mindenbergs, 705 Second Avenue,
3 Suite 1050, Seattle, Washington 98104 (herein, “Plaintiffs’ Counsel”). Ms. Ferreiro is a
4 plaintiff in this case and has information regarding Plaintiffs’ allegations and the City’s
5 defenses.

6 6. **Michael Fong**—3136 NE 82nd Street, Seattle, Washington 98115; (206) 779-
7 1070. Mr. Fong is a former Senior Deputy Mayor. Mr. Fong has knowledge regarding
8 Plaintiffs’ performance of their duties and issues concerning the supervision of their work, the
9 reorganization of the public disclosure positions at the Mayor’s Office, actions taken by the
10 City in response to the Whistleblower Complaint and the SEEC’s Report issued in response,
11 and related matters. He may also have other information pertinent to this lawsuit.

12 7. **Stephanie Formas**—4251 South Juneau Street, Seattle, Washington 98118;
13 (214) 674-7709. Ms. Formas is former Chief of Staff at the Mayor’s Office. Ms. Formas has
14 knowledge regarding Plaintiffs’ performance of their duties, actions taken by the City in
15 response to the Whistleblower Complaint and the SEEC’s report issued in response including
16 but not limited to efforts to offer Ms. Irwin an appropriate position, and related matters. She
17 may also have other information pertinent to this lawsuit.

18 8. **Stacy Irwin**—c/o Plaintiffs’ counsel. Ms. Irwin is a plaintiff in this case and
19 has information regarding Plaintiffs’ allegations and the City’s defenses.

20 9. **Camille Jones**—Ms. Jones is believed to reside on Vancouver Island in British
21 Columbia, Canada. Her last known address is 13011 3rd Ave NW, Seattle, Washington 98177;
22 (206) 714-5469. Ms. Jones is a former Employee Relations Manager at the City’s Department
23 of Human Resources. Ms. Jones has knowledge regarding Plaintiffs’ performance of their
24 duties and issues concerning the supervision of their work, the reorganization of the public
25 disclosure positions at the Mayor’s Office, actions taken by the City in response to the
26 Whistleblower Complaint and SEEC report including but not limited to efforts to offer Ms.

1 Irwin an appropriate position, and related matters. She may also have other information
2 pertinent to this lawsuit.

3 10. **Julie Kipp**—c/o SBW. Ms. Kipp is the Citywide Public Disclosure Manager.
4 Ms. Kipp may have knowledge regarding Plaintiffs’ job performance and the City’s response to
5 the Whistleblower Complaint and the SEEC’s report issued in response. She may also have
6 other information pertinent to this lawsuit.

7 11. **Nana Mendez**—c/o SBW. Ms. Mendez is a Director of Human Resources for
8 the City. Ms. Mendez may have knowledge regarding Plaintiffs’ performance of their duties
9 and issues concerning the supervision of their work, the City’s response to the Whistleblower
10 Complaint and the SEEC’s report issued in response, Plaintiffs’ payroll, personnel, and other
11 City HR-related records and matters as relevant, and related matters. She may also have other
12 information pertinent to this lawsuit.

13 12. **Other Current or Former Employees and/or Representatives of the City of**
14 **Seattle.** These individuals have not yet been identified and thus their contact information is not
15 yet known; the City will supplement this disclosure as necessary. It is anticipated that these
16 witnesses could have knowledge regarding the Plaintiffs’ performance of their duties, issues
17 concerning the supervision of Plaintiffs’ work, the allegations set forth in the Whistleblower
18 Complaint and the SEEC’s findings as set forth in its report, the City’s response to the
19 Whistleblower Complaint and SEEC’s report issued in response including but not limited to
20 efforts to offer Ms. Irwin an appropriate position, Plaintiffs’ claims that they were
21 constructively discharged and or retaliated against and the City’s defenses, and may have other
22 information pertinent to this lawsuit.

23 13. **Individuals Identified in Plaintiffs’ Written Discovery Responses.** The City
24 reserves the right to call as a witness any person identified by Plaintiffs in their written
25 discovery responses including but not limited to the individuals identified by Ms. Ferreiro in
26 response to Interrogatory Numbers 1 and 18 and Ms. Irwin in response to Interrogatory
27 Numbers 1 and 17.

1 **II. EXPERT WITNESSES**

2 The City may have expert(s) testify and/or lay witnesses provide expert testimony with
3 respect to the matters relevant to the claims and defenses asserted in this lawsuit. The expert(s)
4 on such subject matters have not yet been identified and/or retained. The City reserves its right
5 to amend and/or supplement this disclosure.

6 **III. RESERVATION OF RIGHTS**

7 The City reserves the right (a) to call as a witness any person identified as a possible
8 witness by Plaintiffs in this action; (b) to identify and disclose additional lay and/or expert
9 witnesses in response to Plaintiffs’ witness disclosures or otherwise; (c) to call records
10 custodians, as necessary, to establish the authenticity or admissibility of any documents at
11 issue; and (d) to supplement this disclosure and identify as a witness any person the identity or
12 relevance of whom is not presently known but is disclosed or becomes apparent during the
13 course of discovery, which is ongoing.

14
15 DATED: October 24, 2022.

16 **SAVITT BRUCE & WILLEY LLP**

17
18 By s/ Sarah Gohmann Bigelow

19 James P. Savitt, WSBA #16847
20 Brandi B. Balanda, WSBA #48836
21 Sarah Gohmann Bigelow, WSBA #43634
22 1425 Fourth Avenue Suite 800
23 Seattle, Washington 98101-2272
24 Telephone: 206.749.0500
25 Facsimile: 206.749.0600
26 Email: jsavitt@sbwLLP.com
27 Email: bbalanda@sbwLLP.com
Email: sgohmannbigelow@sbwLLP.com

Attorneys for Defendant City of Seattle

1 **CERTIFICATE OF SERVICE**

2 I hereby declare under penalty of perjury under the laws of the State of Washington that
3 on this date, I caused a true and correct copy of the foregoing document to be served on the
4 following in the manner(s) indicated:

5 Susan B. Mindenbergs, WSBA #20545
6 Law Office of Susan B. Mindenbergs
7 705 Second Avenue, Suite 1050
8 Seattle, WA 98104
9 Telephone: (206) 447-1560
10 Facsimile: (206) 447-1523
11 Email: susanmm@msn.com

- Via E-Filing
- Via Legal Messenger
- Via Email
- Via U.S. Mail
- Via Fax

12 *Attorney for Plaintiffs*

13 Jeffrey L. Needle, WSBA #6346
14 Law Office of Jeffrey L. Needle
15 705 Second Avenue, Suite 1050
16 Seattle, WA 98104
17 Telephone: (206) 447-1560
18 Facsimile: (206) 447-1523
19 Email: jneedlel@wolfenet.com

- Via E-Filing
- Via Legal Messenger
- Via Email
- Via U.S. Mail
- Via Fax

20 *Attorney for Plaintiffs*

21 DATED this 24th day of October, 2022 at Seattle, Washington.

22 
Meghan Parker

Declaration of Susan B. Mindenbergs in
Support of Plaintiffs' Motion to Compel

Exhibit D

From: Susan Mindenbergs <susanmm@msn.com>
Sent: Monday, February 6, 2023 4:10 PM
To: Brandi Balanda; Jeffrey Needle; Jeffrey Needle
Cc: James Savitt; Sarah Gohmann Bigelow
Subject: Re: Irwin et al. v. City of Seattle: Depositions

Brandi,

We do not object to the City taking the Plaintiffs' depositions for a total of 10.5 hours each with the understanding that these 2 depositions are in lieu of 2-14 hour depositions.

Also, any other deposition taken by the City will be limited to no more than 7 hours.

Please let us know by COB Wednesday (Feb. 8) your availability for the depositions of Chen, Formas, Fong, Durkan, Jones, and a Rule 30(b)(6) witness. Also, let us know for which of these deponents you will be accepting service of process.

Susan B. Mindenbergs
Attorney at Law
705 Second Avenue, Suite 1050
Seattle, WA 98104
Phone: (206) 447-1560

This communication may contain information that is confidential and/or protected by attorney-client privilege. It was intended only for the named recipient. If you have received this communication in error, please delete it immediately and contact the sender to advise them of improper delivery.

From: Brandi Balanda <bbalanda@sbwllp.com>
Sent: Thursday, February 2, 2023 8:25 PM
To: Susan Mindenbergs <susanmm@msn.com>; Jeffrey Needle <jneedle@jneedlelaw.com>; Jeffrey Needle <jneedle@wolfenet.com>
Cc: James Savitt <jsavitt@sbwllp.com>; Sarah Gohmann Bigelow <sgohmannbigelow@sbwllp.com>
Subject: Irwin et al. v. City of Seattle: Depositions

Counsel:

Further to our discussion on Monday, we are planning to continue with Ms. Ferreiro's deposition on Thursday, February 9 at 9:30am PT. Ms. Ferreiro and Ms. Irwin are both plaintiffs in this case and they have each asserted individual claims against the City seeking millions of dollars in alleged damages. We believe there is strong support that the City should be entitled to examine Ms. Ferreiro and Ms. Irwin for 2 days each. That said, we would like to see if we can reach an agreement that we may examine Ms. Ferreiro and Ms. Irwin for a day and a half each, rather than having to move the Court for two, two-day depositions. We are willing to limit our exams in this regard to avoid motion practice.

Please let us know if you agree, or would like to discuss.

If not, we will proceed with Ms. Ferreiro on February 9 as our 2-day deposition pursuant to LCR 26(b)(3) under a full reservation of rights, including but not limited to a reservation of rights to seek relief from the Court to order Ms. Irwin to sit for a 2-day deposition.

Thank you,

BRANDI B. BALANDA | SAVITT BRUCE & WILLEY LLP

Joshua Green Building | 1425 Fourth Avenue, Suite 800 | Seattle, WA 98101-2272 | Tel: 206/749-0500 | Fax: 206/749-0600 | www.SBWLLP.com

Privileged and Confidential: Please be advised that this message may contain information that is private and legally privileged. If you are not the person for whom this message is intended, please delete it and notify me immediately of the error. Please do not copy or send this message to anyone else. Thank you for your cooperation.

Declaration of Susan B. Mindenbergs in
Support of Plaintiffs' Motion to Compel

Exhibit E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

STACY IRWIN and KIMBERLY FERREIRO,

Plaintiffs,

v.

CITY OF SEATTLE, a municipal corporation
under the laws of the State of Washington,

Defendant.

NO. 21-2-11739-9 SEA

**PLAINTIFFS’ FIRST
INTERROGATORIES AND
REQUESTS FOR PRODUCTION

AND CITY OF SEATTLE’S SECOND
SUPPLEMENTAL OBJECTIONS AND
RESPONSES TO INTERROGATORY
NOS. 2-3 AND 11**

In accordance with Rules 26 and 34 of the Washington Civil Rules, Defendant City of Seattle (the “City”) provides this Supplemental Response to Interrogatory Nos. 2-3 and 11 contained in Plaintiffs’ First Set of Interrogatories and Requests for Production (“Requests”), subject to and without waiver of the City’s right to further supplement any and all of the previously served objections, answers, and/or responses, or the supplemental responses below.

INTERROGATORIES¹

INTERROGATORY NO. 2: At the time of Ms. Irwin’s separation from employment with the Defendant, state her annualized compensation from the Defendant, including the

¹ The City uses here the numbering and ordering used by the City in Plaintiffs’ First Interrogatories and Requests for Production and City of Seattle’s Supplemental Objections and Responses Thereto.

1 annual value of each and every fringe benefit to which she was entitled, including but not
2 limited to, health benefits, retirement benefits, sick leave, annual leave, and vacation.

3 **ANSWER:** The City objects to this Interrogatory as vague and ambiguous regarding
4 the meaning of the “annual value” and “each and every fringe benefit”, and because it calls for
5 speculation regarding Plaintiffs’ view of what constitutes a “fringe benefit.” Subject to and
6 without waiver of this objection, the City will answer this Interrogatory regarding Ms. Irwin’s
7 compensation as the City understands it, and is willing to meet and confer regarding the
8 meaning and scope of the remainder of this Interrogatory.

9 At the time of Ms. Irwin’s resignation, Ms. Irwin’s compensation as a full-time, at-will
10 employee of the City was \$46.95 per hour.

11 **SUPPLEMENTAL ANSWER:** The City incorporates its objections and responses
12 already made in its response hereto. Subject to and without waiver of those objections, the City
13 answers this Interrogatory as the City understands it.

14 At the time of Ms. Irwin’s resignation, Ms. Irwin’s compensation as a full-time, at-will
15 employee of the City was \$46.95 per hour. Ms. Irwin had unused paid leave available in the
16 amount of 0.73 vacation hours and 0.58 sick leave hours.

17 Ms. Irwin was receiving benefits from the City as discussed in the Employee Benefits
18 Guides and produced at COS_0000922-1192 & COS_00001195-1266. Ms. Irwin’s deductions
19 and the City’s employer-side contributions for these benefits are reflected in COS_000001267-
20 COS_00001363 and COS_00002913-COS_00003062.

21 Additionally, the City’s monthly premiums for Ms. Irwin’s benefits at the time of her
22 resignation were as follows:

- 23 • Medical: \$1,186.40
- 24 • Dental: \$147.45
- 25 • Vision: \$9.47
- 26 • Long-term disability: \$0.95
- 27 • Life insurance: \$4.46

1 Ms. Irwin also participated the SCERS Plan 1 as described in the SCERS Handbook
2 (available at
3 <https://www.seattle.gov/documents/Departments/Retirement/Publications/SCERSHandbookDe>
4 [c2019.pdf](https://www.seattle.gov/documents/Departments/Retirement/Publications/SCERSHandbookDe)). As explained in the SCERS Handbook, “[t]he City contributes a percentage of
5 your salary or wages to help fund the Plan. SCERS Board of Administration adopts
6 contribution rates and periodically adjusts them to reflect the overall cost of the Plan. The City
7 Council has the final decision on contribution rates. City contributions are not matching funds
8 but are used for funding plan benefits.” Actuarial Reports showing the City’s contribution rates
9 over time can be found at [https://www.seattle.gov/retirement/forms-and-](https://www.seattle.gov/retirement/forms-and-publications/publications#actuarialreports)
10 [publications/publications#actuarialreports](https://www.seattle.gov/retirement/forms-and-publications/publications#actuarialreports).

11 **INTERROGATORY NO. 3:** At the time of Ms. Ferreiro’s separation from
12 employment with the Defendant, state her annualized compensation from the Defendant,
13 including the annual value of each and every fringe benefit to which she was entitled, including
14 but not limited to, health benefits, retirement benefits, sick leave, annual leave, and vacation.

15 **ANSWER:** The City objects to this Interrogatory as vague and ambiguous regarding
16 the meaning of the “annual value” and “each and every fringe benefit”, and because it calls for
17 speculation regarding Plaintiffs’ view of what constitutes a “fringe benefit.” Subject to and
18 without waiver of this objection, the City will answer this Interrogatory regarding Ms.
19 Ferreiro’s compensation as the City understands it, and is willing to meet and confer regarding
20 the meaning and scope of the remainder of this Interrogatory.

21 At the time of Ms. Ferreiro’s resignation, Ms. Ferreiro’s compensation as a full-time, at-
22 will employee of the City was \$46.95 per hour.

23 **SUPPLEMENTAL ANSWER:** The City incorporates its objections and responses
24 already made in its response hereto. Subject to and without waiver of those objections, the City
25 answers this Interrogatory as the City understands it.

1 At the time of Ms. Ferreiro's resignation, Ms. Ferreiro's compensation as a full-time, at-
2 will employee of the City was \$46.95 per hour. Ms. Ferreiro had unused paid leave available in
3 the amount of 212.26 vacation hours and 282.49 sick leave hours.

4 Ms. Ferreiro was receiving benefits from the City as discussed in the Employee Benefits
5 Guides and produced at COS_0000922-1192 & COS_00001195-1266. Ms. Ferreiro's
6 deductions and the City's employer-side contributions for these benefits are reflected in
7 COS_000001267-COS_00001363 and COS_00002742- COS_00002911.

8 Additionally, the City's monthly premiums for Ms. Ferreiro's benefits at the time of her
9 resignation were as follows:

- 10 • Medical: \$1,567.50
- 11 • Dental: \$113.46
- 12 • Vision: \$9.47
- 13 • Long-term disability: \$0.95
- 14 • Life insurance: \$4.46

15 Ms. Ferreiro also participated the SCERS Plan 1 as described in the SCERS Handbook
16 (available at
17 [https://www.seattle.gov/documents/Departments/Retirement/Publications/SCERSHandbookDe](https://www.seattle.gov/documents/Departments/Retirement/Publications/SCERSHandbookDec2019.pdf)
18 [c2019.pdf](https://www.seattle.gov/documents/Departments/Retirement/Publications/SCERSHandbookDec2019.pdf)). As explained in the SCERS Handbook, "[t]he City contributes a percentage of
19 your salary or wages to help fund the Plan. SCERS Board of Administration adopts
20 contribution rates and periodically adjusts them to reflect the overall cost of the Plan. The City
21 Council has the final decision on contribution rates. City contributions are not matching funds
22 but are used for funding plan benefits." Actuarial Reports reflecting the City's contribution
23 rates over time can be found at [https://www.seattle.gov/retirement/forms-and-](https://www.seattle.gov/retirement/forms-and-publications/publications#actuarialreports)
24 [publications/publications#actuarialreports](https://www.seattle.gov/retirement/forms-and-publications/publications#actuarialreports).

25 **INTERROGATORY NO. 11:** If not previously identified, identify each and every
26 individual known to any and all defendants having information or knowledge relevant to any
27 fact pertaining to this cause of action. As to each such individual so identified, state name,

1 address, telephone number and employment position held and state in detail the knowledge
2 possessed by each.

3 **ANSWER:** The City objects to this Interrogatory as vague and ambiguous and overly
4 broad and unduly burdensome because it calls for the identification of every person who has
5 any knowledge that is relevant to any fact pertaining to this lawsuit and descriptions “in detail”
6 of their knowledge, and as vague and ambiguous because it asks for information known to “any
7 and all defendants” yet the City is the sole defendant named in this action. The City further
8 objects to this Interrogatory as vague and ambiguous because it calls for speculation as to
9 Plaintiffs’ subjective perceptions regarding what is “relevant” to the facts. The City further
10 objects to this Interrogatory to the extent it seeks information protected from discovery by the
11 attorney-client privilege and/or work product doctrine. Subject to and without waiver of these
12 objections, the City will answer this Interrogatory as the City understands it.

13 The following individuals may have knowledge relating to the claims and defenses in
14 this litigation. To the extent any such individual may have knowledge protected from discovery
15 by the attorney-client privilege and/or work product doctrine, the listing of any such individual
16 here does not constitute a waiver of the applicable attorney-client and/or work product
17 protections and the City expressly reserves all rights regarding the protection of any such
18 privileged or protected information from discovery. Discovery has just begun and thus the City
19 will supplement this response in accordance with the Civil Rules as discovery proceeds and as
20 information is learned.

- 21 • Wayne Barnett, c/o Brandi Balanda and Sarah Gohmann Bigelow, Savitt Bruce &
22 Willey LLP, 1425 Fourth Avenue Suite 800, Seattle, Washington 98101. Mr. Barnett
23 is the Executive Director for the Seattle Ethics and Elections Commission (“SEEC”).
24 Mr. Barnett may have knowledge relevant to Plaintiffs’ allegations and/or the City’s
25 defenses, including for example knowledge regarding Ms. Irwin’s whistleblower
26 complaint.

- 1 • Bobby Humes, 18704 94th Avenue Ct East, Puyallup, Washington 98375; (360) 820-
2 8360. Mr. Humes is the former Director of the City’s Human Resources Department.
3 Mr. Humes may have knowledge relevant to Plaintiffs’ allegations and/or the City’s
4 defenses.
- 5 • Julie Kline, c/o Brandi Balanda and Sarah Gohmann Bigelow, Savitt Bruce & Willey
6 LLP, 1425 Fourth Avenue Suite 800, Seattle, Washington 98101. Ms. Kline is the
7 Senior Public Safety Officer and Interim General Counsel for the Mayor’s Office. Ms.
8 Kline may have knowledge relevant to Plaintiffs’ allegations and/or the City’s
9 defenses.
- 10 • Julie Kipp, c/o Brandi Balanda and Sarah Gohmann Bigelow, Savitt Bruce & Willey
11 LLP, 1425 Fourth Avenue Suite 800, Seattle, Washington 98101. Ms. Kipp is the
12 Citywide Public Disclosure Manager. Ms. Kipp may have knowledge relevant to
13 Plaintiffs’ allegations and/or the City’s defenses.
- 14 • Brandon Kuykendall, c/o Brandi Balanda and Sarah Gohmann Bigelow, Savitt Bruce
15 & Willey LLP, 1425 Fourth Avenue Suite 800, Seattle, Washington 98101. Mr.
16 Kuykendall is a Senior Investigator at the City’s Department of Human Resources
17 Investigative Unit. Mr. Kuykendall may have knowledge relevant to Plaintiffs’
18 allegations and/or the City’s defenses, including for example regarding Ms. Ferreiro’s
19 March 9, 2021 claim that she experienced a hostile working environment while
20 working at the Mayor’s Office.
- 21 • Will Lemke, 526 19th Avenue East, #406, Seattle, Washington 98112; (206) 305-
22 8481 Mr. Lemke is the former Director of External Affairs for the City. Mr. Lemke
23 may have knowledge relevant to Plaintiffs’ allegations and/or the City’s defenses,
24 including for example regarding the City’s efforts to offer Ms. Irwin a PDO position
25 outside of the Mayor’s Office.
- 26 • Cherry Lun, c/o Brandi Balanda and Sarah Gohmann Bigelow, Savitt Bruce & Willey
27 LLP, 1425 Fourth Avenue Suite 800, Seattle, Washington 98101. Ms. Lun is a Human

1 Resources Operations Supervisor for the City. Ms. Lun may have knowledge relevant
2 to Plaintiffs' allegations and/or the City's defenses, including for example regarding
3 the City's efforts to offer Ms. Irwin a PDO position outside of the Mayor's Office.

- 4 • Terry McLellan, c/o Brandi Balanda and Sarah Gohmann Bigelow, Savitt Bruce &
5 Willey LLP, 1425 Fourth Avenue Suite 800, Seattle, Washington 98101. Ms.
6 McLellan is a human resources director for the City's Human Services Department.
7 Ms. McLellan may have knowledge relevant to Plaintiffs' allegations and/or the
8 City's defenses, including for example regarding the City's efforts to offer Ms. Irwin
9 a PDO position outside of the Mayor's Office.
- 10 • Nana Mendez, c/o Brandi Balanda and Sarah Gohmann Bigelow, Savitt Bruce &
11 Willey LLP, 1425 Fourth Avenue Suite 800, Seattle, Washington 98101. Ms. Mendez
12 is a Director of Human Resources for the City of Seattle. Ms. Mendez may have
13 knowledge relevant to Plaintiffs' allegations and/or the City's defenses, including for
14 example regarding the City's efforts to offer Ms. Irwin a PDO position outside the
15 Mayor's Office.
- 16 • aNdi Morales, c/o Brandi Balanda and Sarah Gohmann Bigelow, Savitt Bruce &
17 Willey LLP, 1425 Fourth Avenue Suite 800, Seattle, Washington 98101. ANdi
18 Morales is a Senior Leave Management Specialist at the City's Department of Human
19 Resources. aNdi Morales may have knowledge relevant to Plaintiffs' allegations
20 and/or the City's defenses, for example including regarding Plaintiffs' FMLA leaves.
- 21 • Steve Zwerin, c/o Brandi Balanda and Sarah Gohmann Bigelow, Savitt Bruce &
22 Willey LLP, 1425 Fourth Avenue Suite 800, Seattle, Washington 98101. Mr. Zwerin
23 is the Director of the City's Human Resources Investigations Unit. Mr. Zwerin may
24 have knowledge relevant to Plaintiffs' allegations and/or the City's defenses,
25 including for example regarding Ms. Ferreiro's March 9, 2021 claim that she
26 experienced a hostile working environment while working at the Mayor's Office,
27

1 and/or regarding Ms. Irwin's April 7, 2021 claim that she experienced a hostile
2 working environment while working at the Mayor's Office.

- 3 • Other former colleagues and managers of Plaintiffs at the City may have knowledge
4 and/or information relevant to Plaintiffs' allegations and/or the City's defenses.
- 5 • Health care providers who treated Plaintiffs may have knowledge relevant to
6 Plaintiffs' allegations and/or the City's defenses.

7 **SUPPLEMENTAL ANSWER:** The City incorporates its objections and responses
8 already made in its response hereto. Given discovery is ongoing, the City reserves its right to
9 further supplement this answer. Subject to and without waiver of those objections, the City
10 answers this Interrogatory as the City understands it. The following individuals may have
11 personal knowledge of facts relating to the claims and defenses in this litigation:

- 12 • Wayne Barnett, c/o James Savitt, Brandi Balanda and Sarah Gohmann Bigelow,
13 Savitt Bruce & Willey LLP, 1425 Fourth Avenue Suite 800, Seattle, Washington
14 98101 (herein "SBW"). Mr. Barnett is the Executive Director for the Seattle Ethics
15 and Elections Commission ("SEEC"). Mr. Barnett has knowledge relevant to
16 Plaintiffs' allegations and/or the City's defenses, including for example knowledge
17 regarding Ms. Irwin's whistleblower complaint (the "Whistleblower Complaint") and
18 City actions in response thereto.
- 19 • Angie Bronson, 10254 Occidental Avenue South, Seattle, Washington 98168; (206)
20 914-3820. Ms. Bronson is a former Mayor's Office Executive Assistant to Policy
21 Office and Legal Counsel. Ms. Bronson may have knowledge relevant to Plaintiffs'
22 allegations and/or the City's defenses.
- 23 • Lyle Canceko, 1520 NE 85th Street, Seattle, Washington 98115; (206) 818-8967. Mr.
24 Canceko is a former office administrator for the Mayor's Office. Mr. Canceko may
25 have knowledge relevant to Plaintiffs' allegations and the City's defenses, including,
26 for example, regarding Plaintiffs' performance of their duties and issues concerning
27

1 the supervision of their work, the plan to reorganize the public disclosure positions at
2 the Mayor's Office, and related matters.

- 3 • Michelle Chen, c/o Darwin Roberts, Goldfarb & Huck PLLC, 925 Fourth Avenue,
4 Suite 3950, Seattle, Washington 98104. Ms. Chen has knowledge relevant to
5 Plaintiffs' allegations and the City's defenses, including, for example, Plaintiffs'
6 performance of their duties and issues concerning the supervision of their work, the
7 reorganization of the public disclosure positions at the Mayor's Office, the events
8 described in the Whistleblower Complaint and the SEEC's Report issued in response,
9 actions taken by the City in response to the Whistleblower Complaint and SEEC
10 report, and related matters.
- 11 • Jenny Durkan. Former Mayor Durkan has knowledge relevant to Plaintiffs'
12 allegations and the City's defenses, including, for example, regarding the City's
13 response to the SEEC's Report, and related matters.
- 14 • Kimberly Ferreiro, c/o Mr. Jeffrey L. Needle and Ms. Susan B. Mindenbergs, Law
15 Office of Jeffrey L. Needle, Law Office of Susan B. Mindenbergs, 705 Second
16 Avenue, Suite 1050, Seattle, Washington 98104 (herein "Plaintiffs' Counsel"). As a
17 plaintiff in this case, Ms. Ferreiro has knowledge relevant to Plaintiffs' allegations
18 and the City's defenses.
- 19 • Michael Fong, c/o SBW. Mr. Fong is a former Senior Deputy Mayor. Mr. Fong has
20 knowledge relevant to Plaintiffs' allegations and/or the City's defenses, including, for
21 example, Plaintiffs' performance of their duties and issues concerning the supervision
22 of their work, the reorganization of the public disclosure positions at the Mayor's
23 Office, actions taken by the City in response to the Whistleblower Complaint and the
24 SEEC's Report issued in response, and related matters.
- 25 • Stephanie Formas, c/o SBW. Ms. Formas is former Chief of Staff for the Mayor's
26 Office. Ms. Formas has knowledge relevant to Plaintiffs' allegations and/or the City's
27 defenses, including, for example, Plaintiffs' performance of their duties, actions taken

1 by the City in response to the Whistleblower Complaint, and efforts to offer Ms. Irwin
2 employment opportunities, and related matters.

- 3 • Andrea Friedhoff, 4909 University View Place North East, Seattle, Washington
4 98105; (206) 683-7262. Ms. Friedhoff is a former Director of Office Administration
5 and Scheduling at the Mayor's Office. Ms. Friedhoff may have knowledge relevant to
6 Plaintiffs' allegations and the City's defenses, including, for example, regarding
7 Plaintiffs' performance of their duties, actions taken by the City in response to the
8 Whistleblower Complaint, and related matters.
- 9 • Pete Holmes. Mr. Holmes is a former City Attorney. Mr. Holmes may have
10 knowledge relevant to Plaintiffs' allegations and/or the City's defenses. By
11 identifying Mr. Holmes in response to this Interrogatory the City does not waive and
12 expressly preserves any and all applicable privileges and protections from discovery
13 regarding any information that Mr. Holmes may have.
- 14 • Bobby Humes, 18704 94th Avenue Ct East, Puyallup, Washington 98375; (360) 820-
15 8360. Mr. Humes is the former Director of the City's Human Resources Department.
16 Mr. Humes may have knowledge relevant to Plaintiffs' allegations and/or the City's
17 defenses.
- 18 • Stacy Irwin, c/o Plaintiffs' Counsel. As a plaintiff in this case, Ms. Irwin has
19 knowledge relevant to Plaintiffs' allegations and the City's defenses.
- 20 • Camille Jones, is believed to reside on Vancouver Island in British Columbia, Canada.
21 Her last known address is 13011 3rd Ave NW, Seattle, Washington 98177; (206) 714-
22 5469. Ms. Jones is a former Employee Relations Manager at the City's Department
23 of Human Resources. Ms. Jones has knowledge relevant to Plaintiffs' allegations and
24 City's defenses, including, for example, Plaintiffs' performance of their duties and
25 issues concerning the supervision of their work, the reorganization of the public
26 disclosure positions at the Mayor's Office, actions taken by the City in response to the

1 Whistleblower Complaint, efforts to offer Ms. Irwin employment opportunities, and
2 related matters.

- 3 • Julie Kline, Schroeter Goldmark Bender, 401 Union Street Suite 3400, Seattle,
4 Washington 98101. Ms. Kline is the former Senior Public Safety Officer and Interim
5 General Counsel for the Mayor's Office. Ms. Kline may have knowledge relevant to
6 Plaintiffs' allegations and/or the City's defenses.
- 7 • Amarah Khan, c/o SBW. Dr. Khan is the Director for the City's Office of the
8 Ombud. Dr. Khan has knowledge relevant to Plaintiffs' allegations and the City's
9 defenses, including, for example, regarding Plaintiffs' performance of their duties and
10 issues concerning the supervision of their work, the reorganization of the public
11 disclosure positions at the Mayor's Office, and related matters.
- 12 • Julie Kipp, c/o SBW. Ms. Kipp is the Citywide Public Disclosure Manager. Ms.
13 Kipp may have knowledge relevant to Plaintiffs' allegations and/or the City's
14 defenses, including, for example, regarding Plaintiffs' performance of their duties and
15 the City's actions in response to the Whistleblower Complaint.
- 16 • Christy Kuna, 24208 33rd Avenue E, Spanaway, Washington 98387. Ms. Kuna is a
17 former investigator at the City's Department of Human Resources Investigative Unit
18 ("HRIU"). Ms. Kuna may have knowledge relevant to Plaintiffs' allegations and/or
19 the City's defenses, including, for example, HRIU's response to Plaintiffs'
20 allegations.
- 21 • Brandon Kuykendall, c/o SBW. Mr. Kuykendall is a Senior Investigator at the HRIU.
22 Mr. Kuykendall may have knowledge relevant to Plaintiffs' allegations and/or the
23 City's defenses, including, for example, HRIU's response to Plaintiffs' allegations.
- 24 • Will Lemke, 526 19th Avenue East, #406, Seattle, Washington 98112; (206) 305-
25 8481 Mr. Lemke is the former Director of External Affairs for the City. Mr. Lemke
26 may have knowledge relevant to Plaintiffs' allegations and/or the City's defenses,
27

1 including, for example, regarding the City's efforts to offer Ms. Irwin employment
2 opportunities.

- 3 • Cherry Lun, c/o SBW. Ms. Lun is a Labor Relations Advisor for the City. Ms. Lun
4 may have knowledge relevant to Plaintiffs' allegations and/or the City's defenses,
5 including, for example, regarding the City's efforts to offer Ms. Irwin employment
6 opportunities.
- 7 • Terry McLellan, c/o SBW. Ms. McLellan is a human resources director for the City's
8 Human Services Department. Ms. McLellan may have knowledge relevant to
9 Plaintiffs' allegations and/or the City's defenses, including, for example, regarding the
10 City's efforts to offer Ms. Irwin employment opportunities.
- 11 • Nana Mendez, c/o SBW. Ms. Mendez is a Director of Human Resources for the City
12 of Seattle. Ms. Mendez may have knowledge relevant to Plaintiffs' allegations and/or
13 the City's defenses, including, for example, Plaintiffs' performance of their duties and
14 issues concerning the supervision of their work, City actions in response to the
15 Whistleblower Complaint, Plaintiffs' payroll, personnel, and other City HR-related
16 records and matters as relevant, and related matters.
- 17 • aNdi Morales, c/o SBW. aNdi Morales is a Senior Leave Management Specialist at
18 the City's Department of Human Resources. aNdi Morales may have knowledge
19 relevant to Plaintiffs' allegations and/or the City's defenses, including, for example,
20 regarding Plaintiffs' FMLA leaves.
- 21 • Jessica Nadelman. Ms. Nadelman is a former Assistant City Attorney. Ms.
22 Nadelman may have knowledge relevant to Plaintiffs' allegations and/or the City's
23 defenses. By identifying Ms. Nadelman in response to this Interrogatory the City
24 does not waive and expressly preserves any and all applicable privileges and
25 protections from discovery regarding any information that Ms. Nadelman may have.
- 26 • Ramsey Ramerman, City of Everett, 2930 Wetmore Avenue, Everett, Washington
27 98201. Mr. Ramerman was retained by the City as Special Counsel to the Executive

1 Director of the SEEC in connection with the investigation into Ms. Irwin's
2 whistleblower complaint. Mr. Ramerman has knowledge relevant to Plaintiffs'
3 allegations and/or the City's defenses, including, for example, knowledge regarding
4 the Whistleblower Complaint and City actions in response, and related matters.

- 5 • Aaron Valla, c/o SBW. Mr. Valla is an Assistant City Attorney. Mr. Valla may have
6 knowledge relevant to Plaintiffs' allegations and/or the City's defenses. By
7 identifying Mr. Valla in response to this Interrogatory the City does not waive and
8 expressly preserves any and all applicable privileges and protections from discovery
9 regarding any information that Mr. Valla may have.
- 10 • Steve Zwerin, 1124 23rd Avenue E, Seattle, Washington 98112. Mr. Zwerin is the
11 former Director of the HRIU. Mr. Zwerin may have knowledge relevant to Plaintiffs'
12 allegations and/or the City's defenses, including for example regarding Ms. Ferreiro's
13 March 9, 2021 claim that she experienced a hostile working environment while
14 working at the Mayor's Office, and/or regarding Ms. Irwin's April 7, 2021 claim that
15 she experienced a hostile working environment while working at the Mayor's Office,
16 and HRIU's response to Plaintiffs' allegations.
- 17 • Other former colleagues and managers of Plaintiffs at the City may have knowledge
18 and/or information relevant to Plaintiffs' allegations and/or the City's defenses.
- 19 • Health care providers who treated Plaintiffs may have knowledge relevant to
20 Plaintiffs' allegations and/or the City's defenses.
- 21 • The individuals identified in Plaintiffs' written discovery responses and as possible
22 witnesses by Plaintiffs in this action may have knowledge relevant to Plaintiffs'
23 allegations and/or the City's defenses.

1 DATED: February 8, 2023.

2 **SAVITT BRUCE & WILLEY LLP**

3
4 By s/ Sarah Gohmann Bigelow

5 James P. Savitt, WSBA #16847

6 Brandi B. Balanda, WSBA #48836

7 Sarah Gohmann Bigelow, WSBA #43634

8 1425 Fourth Avenue Suite 800

9 Seattle, Washington 98101-2272

10 Telephone: 206.749.0500

11 Facsimile: 206.749.0600

12 Email: jsavitt@sbwllp.com

13 Email: bbalanda@sbwLLP.com

14 Email: sgohmannbigelow@sbwLLP.com

15 *Attorneys for Defendant City of Seattle*

1 **CERTIFICATE OF SERVICE**

2 I hereby declare under penalty of perjury under the laws of the State of Washington that
3 on this date, I caused a true and correct copy of the foregoing document to be served on the
4 following in the manner(s) indicated:

5 Susan B. Mindenbergs, WSBA #20545
6 Law Office of Susan B. Mindenbergs
7 705 Second Avenue, Suite 1050
8 Seattle, WA 98104
9 Telephone: (206) 447-1560
10 Facsimile: (206) 447-1523
11 Email: susanmm@msn.com

- Via E-Filing
- Via Legal Messenger
- Via Email
- Via U.S. Mail
- Via Fax

12 *Attorney for Plaintiffs*

13 Jeffrey L. Needle, WSBA #6346
14 Law Office of Jeffrey L. Needle
15 705 Second Avenue, Suite 1050
16 Seattle, WA 98104
17 Telephone: (206) 447-1560
18 Facsimile: (206) 447-1523
19 Email: jneedle@wolfenet.com
20 jneedle@jneedlelaw.com

- Via E-Filing
- Via Legal Messenger
- Via Email
- Via U.S. Mail
- Via Fax

21 *Attorney for Plaintiffs*

22 DATED this 8th day of February, 2023 at Seattle, Washington.

23
24
25
26
27

Meghan Parker

Declaration of Susan B. Mindenbergs in
Support of Plaintiffs' Motion to Compel

Exhibit F

From: Brandi Balanda <bbalanda@sbwllp.com>
Sent: Monday, February 13, 2023 4:40 PM
To: susanmm@msn.com
Cc: James Savitt; Sarah Gohmann Bigelow; 'Jeffrey Needle'; jneedlel@wolfenet.com
Subject: Re: Irwin et al v. City of Seattle: Depositions

Counsel,

Further to my email below, Mr. Fong is now not available on March 15 or March 17. He remains available on March 8, or on March 10 after 12pm, and can also be available on March 24 or March 29.

BRANDI B. BALANDA | SAVITT BRUCE & WILLEY LLP
Joshua Green Building | 1425 Fourth Avenue, Suite 800 | Seattle, WA 98101-2272 | Tel: 206/749-0500 | Fax: 206/749-0600 |
www.SBWLLP.com

Privileged and Confidential: Please be advised that this message may contain information that is private and legally privileged. If you are not the person for whom this message is intended, please delete it and notify me immediately of the error. Please do not copy or send this message to anyone else. Thank you for your cooperation.

From: Brandi Balanda <bbalanda@sbwllp.com>
Date: Thursday, February 9, 2023 at 3:14 PM
To: "susanmm@msn.com" <susanmm@msn.com>
Cc: James Savitt <jsavitt@sbwllp.com>, Sarah Gohmann Bigelow <sgohmannbigelow@sbwllp.com>, 'Jeffrey Needle' <jneedle@jneedlelaw.com>, "jneedlel@wolfenet.com" <jneedlel@wolfenet.com>
Subject: Irwin et al v. City of Seattle: Depositions

Susan,

Below is an update in response to your Monday email about availability for certain witness depositions:

- We represent Mike Fong. Mr. Fong can be available for a deposition on March 8, March 10, March 15, or March 17. We will accept service of a deposition notice to him upon agreement as to date and time.
- We represent Stephanie Formas. Ms. Formas recently gave birth and we will need to schedule her deposition to accommodate related issues, such as pumping needs. If it will be a half day deposition, Ms. Formas can be available on March 24, March 29, or March 31. If it is going to be a full day, we will need to look at weekend dates. Please advise. We will accept service of a deposition notice to Ms. Formas upon agreement as to date and time.
- Regarding Michelle Chen, she is represented by Darwin Roberts. It seems we should get from him Ms. Chen's availability and then we can cross-check with our calendars.
- Regarding a CR 30(b)(6) witness, we need to know the topics to enable us to select the witness and then provide availability for them.

➤ Regarding former Mayor Durkan, we are working on outreach regarding service of a deposition subpoena and will get back to you shortly.

BRANDI B. BALANDA | SAVITT BRUCE & WILLEY LLP

Joshua Green Building | 1425 Fourth Avenue, Suite 800 | Seattle, WA 98101-2272 | Tel: 206/749-0500 | Fax: 206/749-0600 | www.SBWLLP.com

Privileged and Confidential: Please be advised that this message may contain information that is private and legally privileged. If you are not the person for whom this message is intended, please delete it and notify me immediately of the error. Please do not copy or send this message to anyone else. Thank you for your cooperation.