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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR MASON COUNTY**

**LAKE CUSHMAN COMPANY, a Washington )  
corporation, )  
Plaintiff, )  
vs. )  
LAKE CUSHMAN MAINTENANCE )  
COMPANY, a Washington corporation, )  
Defendant. )**

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**NO. 21-2-00341-23  
PLAINTIFF’S FIRST SET OF  
INTERROGATORIES AND  
REQUESTS FOR  
PRODUCTION TO  
DEFENDANT**

TO: LAKE CUSHMAN MAINTENANCE COMPANY, Defendant

In accordance with Court Rule 33 and 34 of the Superior Court Civil Rules, State of Washington, please answer each of the following interrogatories and requests for production separately and fully, in writing, under oath, unless there is some objection to an interrogatory or request, in which case please state the reason for the objection. The answers are to be signed by the person to whom they are addressed, and the objections are to be signed by the attorney making the objection. The answers and any objections must be returned to the undersigned attorneys within 30 days after the service of the interrogatories and request.

You are placed on notice that these interrogatories are deemed continuing, requiring supplemental responses thereto in the event requested information becomes available which would require amendment or supplementation of your responses in order that they would be proper and truthful. Your attention is directed to CR 26(e) in this respect.

**INSTRUCTIONS**

In answering these Interrogatories, please furnish all information which is available to you, including, without limitations, all information in the possession of your attorneys, accountants, affiliates, auditors, agents, employees, officers, directors, shareholders, contractors, or other personnel, and not merely such information as is in your possession. An incomplete or

1 evasive answer is a failure to answer.

2 For each answer, state separately the name and job title or position of each of your  
3 representatives who participated in preparing the answer. For each such representative, describe  
4 that person's participation in answering the interrogatory and provide a summary of that person's  
5 information which was incorporated into the answer.

6 If you cannot respond to any of the following interrogatories in full, after exercising due  
7 diligence to secure information to do so, please so state, and respond to the extent possible,  
8 specifying all reasons why you are unable or unwilling to respond to the remainder, stating  
9 whatever information you have concerning the unproduced information, and what efforts you  
10 have made to secure information sufficient to allow you to respond fully to the particular  
11 interrogatory.

12 Although one or more of the following interrogatories may not appear to be applicable  
13 to or directed to you, please respond to each and every one of them to the extent you are able to  
14 provide any response thereto, whether such response consists of information within your own  
15 knowledge or what you have obtained from others. However, for every response in which you  
16 include information received from others, please provide the name, any known address, and any  
17 known phone number of the person from whom you so received such information. And, in every  
18 such instance please state that you cannot verify such of your own personal knowledge,  
19 identifying particularly the information for which you cannot vouch. Further, these  
20 interrogatories contain words or phrases which require you to refer to the "Definitions" section  
21 of this document provided herein below.

22 Unless otherwise stated, each interrogatory pertains to the last five years. Thus, your  
23 responses should be fully answered as they pertain to information within that time frame. Further,  
24 each interrogatory should identify the appropriate time frame should your response requires  
25 same.

26 These interrogatories and requests are intended to be continuing in nature and any  
information which may be discovered by you subsequent to the service and filing of your answers  
should be brought to the attention of the inquiring plaintiffs, through supplemental answers as  
required by CR 26(e) within a reasonable time following discovery.

## DEFINITIONS

A. The term "address" or "location" as hereinafter used in these interrogatories and requests shall mean the last known address or location giving the street number, street, city, and state.

B. As used in these interrogatories and requests, the word "you", "your", "defendant", "defendants" shall refer to LAKE CUSHMAN MAINTENANCE COMPANY, its employees, officers, agents, **former or present** as indicated herein.

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2 C. The term “document” shall have its broadest possible meaning and shall mean  
3 and include any printed, typewritten, handwritten, or otherwise recorded matter of  
4 whatever character, including specifically, but not exclusively, and without limiting the  
5 generality of the foregoing, letters, diaries, desk and other calendars, memoranda,  
6 telegrams, posters, cables, reports, charts, statistics, envelopes, studies, newspapers, news  
7 reports, business records, books of account(s) or other books, ledgers, balance sheets,  
8 journals, personal records, personal notes, any piece of paper, parchment, bar napkin,  
9 rolling paper, or other materials similarly used with any written, typed, printed, stamped,  
10 engraved, embossed, or impressed upon it, accountant’s statements, accounting records  
11 of any kind, bank statements, minutes of meetings or other minutes, labels, graphics,  
12 notes of meeting or conversations or other notes, catalogues, written agreements, checks,  
13 announcements, statements, receipts, return invoices, bills, warranties, advertisements,  
14 guarantees, summaries, pamphlets, prospectuses, bulletins, magazines, publications,  
15 photographs, work-sheets, computer printouts, telex transmissions or receipts, teletypes,  
16 telefaxes, file folders or other folders, tape recordings, and any original or non-identical  
17 (whether different from the original by reason of any notation made on such copies or  
18 otherwise) carbon, photostatic or photograph copies of such materials. The term  
19 “documents” shall also mean and include every other recording of, or means of recording  
20 on any tangible form, any form of information, data, communication, or representation,  
21 including but not limited to microfilm, microfiche, any records stored on any form of  
22 computer software, audio or video tapes or discs, digitally recorded disks or diskettes, or  
23 any other medium whatsoever.

24 This definition shall further include electronic communications (e-mail, text messages,  
25 etc.).

26 For each document responsive to any request withheld from production by you on the  
ground of any privilege, please state:

- i. The nature of the document (e.g., letter, memorandum, contract, etc.),
- ii. The author or sender of the document,
- iii. The recipient of the document,
- iv. The date the document was authored, sent, and/or received, and
- v. The reason such document is allegedly privileged.

D. The term “identity” or “identify” means as follows:

- i. When used in reference to any individual person, the responding party should state the full name, present address and telephone number, job position, present business affiliation, business address and telephone number to which the applicable interrogatory pertains and at the present if different.
- ii. When used in reference to a document, the responding party should state the date

1 and author (or, if different, signers) of the document, the type of document, e.g.,  
2 letter, memorandum, telegram, chart, etc. (or some other means of identifying it);  
3 and the document's present location or custodian. If any such document was, but  
4 is no longer, in your possession or subject to your control, state what disposition  
5 was made of the document.

6 In lieu of such identification, you may furnish copies of such documents, writings  
7 or statements at the time you file answers to these interrogatories, or may make  
8 the documents available for inspection or copying.

- 9 iii. When used in reference to a meeting or conversation, the responding party should  
10 state the identity of the persons who were present and/or participated in the  
11 meeting or conversation, the date and place of the meeting or conversation, and,  
12 if any record, memorandum, or other writing of the meeting or conversation was  
13 made, then to identify that record, memorandum, or other writing.

14 E. The term "person" or "persons" means any human being, sole proprietorship, limited  
15 partnership, partnership, association, group of human beings, other legal or de facto legal  
16 entity, or corporation of whatever kind and however situated.

### 17 **OBJECTIONS**

18 If you object to answering any interrogatory in whole or in part, state your objection and  
19 the factual and legal reasons supporting the objection with particularity in lieu of your answer. If  
20 your objection is based on privilege, state with particularity the nature and extent of the privileged  
21 matters. If you object to answering only part of an interrogatory, then specify the part to which  
22 you object and answer the remainder. ANY OBJECTION WHICH IS NOT ASSERTED MAY  
23 BE DEEMED TO HAVE BEEN WAIVED.

### 24 **INTERROGATORIES**

- 25 1. Please provide the name, address, and telephone number of each person who assisted or  
26 supplied information in answering and responding to these interrogatories and requests for  
production of documents.

ANSWER:

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2. Please provide a complete list of LCMC Board members for the past twelve (12) years, including the years each Board member served/serves and the contact information for each individual.

ANSWER:

3. Please provide a complete list of your employees, position(s) held, and job descriptions for the past twelve (12) years.

ANSWER:

4. Please identify any insurance policy which may provide coverage for claim(s) related to this action. This interrogatory is pursuant to CR 26(b)(2).

ANSWER:

5. Please summarize the facts that relate to your claim that "Plaintiff's injuries were proximately caused by its own actions or lack of action."

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ANSWER:

6. Please identify the facts that relate to your claim that Plaintiff failed to mitigate its damages.

ANSWER:

7. Please identify the facts that relate to your claim that “Plaintiff’s damages were proximately caused by superseding and intervening cause.”

ANSWER:

8. Please identify the facts that relate to your claim that “Plaintiff has failed to show Defendant owes it a duty.”

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9. Please identify the facts that relate to your claim that “Plaintiff’s damages were proximately caused by persons over whom the Defendant had no control, including without limitation, property owners in Westside No. 1 Plat.”

ANSWER:

10. A) Please identify the facts that relate to your claim that “Plaintiff’s equitable claims are barred by equitable defenses, including without limitation, the doctrine of unclean hands and laches.”

B) Please identify any other equitable defenses you assert in this matter and the facts which relate thereto.

ANSWER:

11. Please identify the persons or entities you assert are necessary parties (other than the current, named parties).

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12. Please identify every investigative report, drawing, sketch or other similar document relating in any way to the subject matter of this lawsuit. In responding, please also name the source and present custodian of said report, drawing, etc.

ANSWER:

13. In regard to the sign depicted on Exhibit A, attached hereto, (1) please define "investigation" as used on the sign; (2) please provide meeting minutes and other records regarding the installation of the sign, and (3) the status of said "inspection".

ANSWER:

14. Other than the present case, has LCMC received any request from any property owner (sublessee) asking to repair roadway(s) within the Lake Cushman development, in the past twelve (12) years?

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15. If your answer to the above Interrogatory 14 was in the affirmative, please identify, FOR EACH SUCH REQUEST: (1) the source of the request, (2) the date of the meeting or meetings which the request was addressed and (3) the status of the request.

ANSWER:

16. If your answer to the above Interrogatory did not include information related to Division 11/Marine View Drive area, please provide the information requested in the above Interrogatory.

ANSWER:

17. Please list every individual – employee, officer, agent, contractor or other person/entity– who has any knowledge of the facts and circumstances regarding the LCMC’s consideration of repairs to and/or maintenance of Mackinaw Road over the past twelve (12) years. For each individual, please provide the following:

- (a) Name;
- (b) Last known address;
- (c) Telephone Numbers (home and work);
- (d) Occupation;
- (e) Employer;
- (f) General nature of the individual’s knowledge;
- (g) Whether the individual will testify at trial.

1 ANSWER:  
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7 18. Please list every individual – employee, officer, agent, contractor or other person/entity  
8 who has any knowledge of the facts and circumstances regarding the LCMC’s repairs to and/or  
9 maintenance of the roads providing access from W. Skok Valley Road/Govey Road to  
Mackinaw Road, including but not limited to NF Road 2340:

- 10 (a) Name;  
11 (b) Last known address;  
12 (c) Telephone Numbers (home and work);  
13 (d) Occupation;  
14 (e) Employer;  
15 (f) General nature of the individual’s knowledge;  
16 (g) Whether the individual will testify at trial.

17 ANSWER:  
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20 19. Please list every expert who has any knowledge regarding Mackinaw Road over the  
21 past twelve (12) years. For each expert, please provide the following:

- 22 (a) Name;  
23 (b) Last known address;  
24 (c) Telephone Numbers (home and work);  
25 (d) Occupation;  
26 (e) Employer;  
(f) General nature of the expert’s knowledge;  
(g) Whether the expert will testify at trial.

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20. If not already provided in response to a previous interrogatory, please indicate what evidence is in your possession regarding the original construction of Mackinaw Road.

ANSWER:

**REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1**

Please produce all records, including budgets, relating to road maintenance within any Plat/division in the Lake Cushman development over which who has authority, for the past twenty (20) years. The foregoing should include all records of all road maintenance expenditures.

RESPONSE:

**REQUEST FOR PRODUCTION NO. 2**

Please produce copies of communications (electronic or otherwise), board meeting minutes, committee meeting records or any other documents, which in any way mention or relate to Mackinaw Road, for the past twenty (20) years.

RESPONSE:

1 REQUEST FOR PRODUCTION NO. 3

2 Please produce copies of documents or other evidence relating to the road(s) providing access  
3 from W. Skok Valley Road/Govey Road to Mackinaw Road, including but not limited to NF  
4 Road 2340.

5 RESPONSE:  
6

7 REQUEST FOR PRODUCTION NO. 4

8 Please produce documents/evidence in your possession relating to the original construction of  
9 Mackinaw Road.

10 RESPONSE:  
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12 REQUEST FOR PRODUCTION NO. 5

13 Please produce records of assessments, dues, or any other charges levied against the leased  
14 properties within the Lake Cushman Westside No. 1 division for the past twelve (12) years.

15 RESPONSE:  
16

17 REQUEST FOR PRODUCTION NO. 6

18 Please produce a copy of your current Bylaws and any changes thereto over the past twelve (12)  
19 years.

20 RESPONSE:  
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22 REQUEST FOR PRODUCTION NO. 7

23 Please produce any document, including governing documents, regarding road maintenance,  
24 including but not limited to policies, covenants, board minutes, and committee charters.

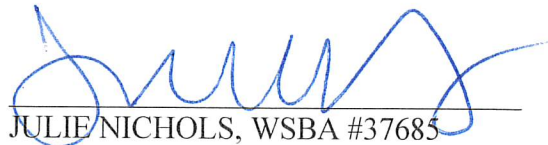
25 RESPONSE:  
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2 REQUEST FOR PRODUCTION NO. 8

3 Please produce copies of any documents identified in your responses to Interrogatories 1 through  
4 20, including a copy of any insurance policy identified in Interrogatory 4 above that have not  
5 already been provided in response to Requests for Production 1 through 7.

6 RESPONSE:

7  
8 PLAINIFF'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR  
9 PRODUCTION OF DOCUMENTS submitted this 16<sup>th</sup> day of November 2021.

10 

11 JULIE NICHOLS, WSBA #37685  
12 STEPHEN WHITEHOUSE, WSBA #6818  
13 WHITEHOUSE & NICHOLS, LLP  
14 Attorneys for Plaintiff

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19 ANSWERS TO INTERROGATORIES AND REQUESTS FOR PRODUCTION dated  
20 this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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23 \_\_\_\_\_  
24 MICHAEL B. TIERNEY, WSBA #13662  
25 Attorney for Defendant LCMC  
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STATE OF WASHINGTON )  
 )  
County of \_\_\_\_\_ ) ss.

I, , after being first duly sworn on oath, depose and state as follows: I am the \_\_\_\_\_ of/for LAKE CUSHMAN MAINTENANCE COMPANY, the Defendant in the above-entitled action. I have read the foregoing, know the contents thereof and believe the same to be true and complete.

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public in and for the State of Washington  
Print Name \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission expires \_\_\_\_\_

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

LAKE CUSHMAN COMPANY, a Washington corporation, )  
Plaintiff, ) NO. 21-2-00341-23  
vs. ) MOTION TO JOIN PARTIES  
LAKE CUSHMAN MAINTENANCE )  
COMPANY, a Washington corporation, )  
Defendant. )

COMES NOW the Plaintiff herein, LAKE CUSHMAN COMPANY, a Washington corporation, by and through their attorneys STEPHEN WHITEHOUSE and JULIE NICHOLS of WHITEHOUSE & NICHOLS, LLP, and moves this court, pursuant to CR 19, to join the following parties as necessary parties:

1. NED H. HART and LYNDA HART, TRUSTEES, REVOCABLE TRUST AGREEMENT OF NED H. HART AND LYNDA HART DATED APRIL 20, 2000;
2. CHRISTOPHER JOHN TARANTINO and JENNIFER LYNN TARANTINO, husband and wife;
3. DOUG L. LARSON and SUSAN M. LARSON, husband and wife;

WHITEHOUSE & NICHOLS, LLP  
Attorneys at Law  
P.O. BOX 1273  
601 W. RAILROAD AVE., SUITE 300  
SHELTON, WASHINGTON 98584  
(360) 426-5885 • FAX (360) 426-6429

- 1 4. COLLIN DERANLEAU and LAURIE DERANLEAU, a married couple;
- 2
- 3 5. ANTHONY R. TURK, an unmarried man and JONATHAN N. TURK, a married man
- 4 as his separate property, as Joint Tenants with Rights of Survivorship and not as tenants
- 5 in common;
- 6 6. KEVIN STROMAN and JEROMY PETERSON, both unmarried persons;
- 7 7. RICHARD H. REID and SANDRA L. REID, husband and wife, and BRIAN R. REID
- 8 and STACIE J. REID, husband and wife, and KEVIN M. REID, an unmarried man, and
- 9 JERMEY REID, an unmarried man, and MALONE M. ELDRIDGE, an unmarried
- 10 woman;
- 11 8. RICHARD L. WHARTON and LAURA E. WHARTON, TRUSTEES, OR THEIR
- 12 SUCCESSORS IN TRUST, UNDER THE RICHARD L. AND LAURA WHARTON
- 13 IRREVOCABLE TRUST DATED MAY 04, 2016;
- 14
- 15 9. KEITH A. LOWRY and CHRISTINE L. LOWRY, husband and wife, and MITCHELL
- 16 D. LOWRY, a single man and ELSA L. WHITE-SEATON, a married woman as her
- 17 separate property, all as joint tenants with right of survivorship and not as tenants in
- 18 common;
- 19
- 20 10. JAMES E. BUSH and PATRICIA A. BUSH, CO-TRUSTEES, OR THE
- 21 SUCCESSORS IN TRUST OF THE BUSH FAMILY TRUST DATED AUGUST 25,
- 22 2016;
- 23 11. MITCHEL SACHS and KAREN M. SACHS, husband and wife;
- 24 12. JAN TVETEN and RUTH L. TVETEN, his wife;
- 25 13. MARK ENSOR, an unmarried person;
- 26



- 1 14. DAVID B. VALDES, JR., a single man;  
2 15. MATTHEW WINTER and KATHLEEN WINTER, a married couple;  
3 16. LYLE E. and EDNA CALHOON, status unknown;  
4 17. RICHARD A. LISKE AND KELLY A. LISKE, husband and wife;  
5 18. LORI SMITH, a single woman; and  
6 19. JODY DECLEMENTS and NICOLE DECLEMENTS, a married couple.  
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8 This motion is based upon the affidavit of counsel as set forth below.  
9

10 DATED this 10 day of November 2021.  
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14 STEPHEN WHITEHOUSE, WSBA #6818  
15 JULIE NICHOLS, WSBA # 37685  
16 WHITEHOUSE & NICHOLS, LLP  
17 Attorneys for Plaintiff  
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1 STATE OF WASHINGTON )  
2 ) ss.  
3 COUNTY OF MASON )

4 I, STEPHEN WHITEHOUSE, after being first duly sworn upon oath, do hereby depose  
5 and state as follows:

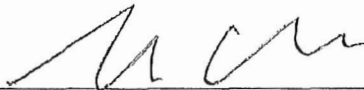
6 I hereby incorporate by reference the Complaint and Answer filed herein.

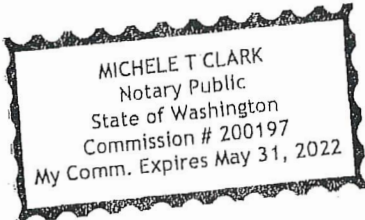
7 The analysis of CR 19 requires two steps. First, a determination whether the parties are  
8 needed for just adjudication. CR 19(a). Second, if the absent parties are needed, but it is not  
9 possible to join those parties, then the court must determine whether the parties are  
10 indispensable. CR 19(b); Department of Social & Health Servs. v. Latta, 92 Wash.2d 812, 818,  
11 601 P.2d 520 (1979).  
12

13 The Defendant has asserted, as an affirmative defense, the failure to join necessary  
14 parties, without identifying anyone in particular. We can assume they are referencing the lessees  
15 along Mackinaw Road, which is the roadway that is the subject of this action. The persons  
16 sought to be joined are the sublessees of Lots 1 through 9 of the Plat of Westside No. 1 Block  
17 1 of the Lake Cushman development recorded under Mason County Auditor's File Number  
18 284049 58620. Their access and other rights/obligations under the lease assignment will be  
19 affected by the ultimate disposition of the case.  
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24 Stephen Whitehouse, WSBA #6818  
25 WHITEHOUSE & NICHOLS, LLP.  
26 Attorney for Plaintiff

1 Subscribed and sworn to before me this 10th day of November 2021.

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4 Notary Public in and for the State of Washington  
5 Print Name Michele T. Clark  
6 Residing at Shelton WA  
7 My Commission expires 5-31-21



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