

Exhibit 10

Evidence of Record Previously Submitted
—Re-filed for the Court’s Convenience—

Dkts. 52, 53, 54

(Declarations of John Does 2, 3, 4 in Support of
Plaintiffs’ Motion for Preliminary Injunction)

Exhibit 10-1

Evidence of Record Previously Submitted
—Re-filed for the Court’s Convenience—

Dkt. 52

(Declaration of John Doe 2 in Support of Plaintiffs’
Motion for Preliminary Injunction)

Exhibit in Support of Pls.’ Response to
Def’s Motion for Summ. J.
(Case No. 3:09-cv-05456-BHS)

BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
(812) 232-2434

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

JOHN DOE #1, an individual, JOHN DOE #2,
an individual, and PROTECT MARRIAGE
WASHINGTON,

Plaintiffs,

vs.

SAM REED, in his official capacity as
Secretary of State of Washington, BRENDA
GALARZA, in her official capacity as Public
Records Officer for the Secretary of State of
Washington,

Defendants.

No. 3:09-CV-05456-BHS

DECLARATION OF
[REDACTED]
IN SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION

NOTE ON MOTION CALENDAR:
September 3, 2009

The Honorable Benjamin H. Settle

I, [REDACTED] make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of Washington over 18 years of age, and my statements herein are based on personal knowledge.

2. I have been aware of Referendum 71 since it was filed in Olympia. Although I did not go out and gather signatures, I approved of having the petition available at the church where I am Pastor, so that members of my congregation could sign.

3. On July 27, 2009, I received a phone call at my office from an individual who identified herself as a transgender woman, who had previously been a member of special forces. The caller remained calm, but persistent, in asking why I would want to limit her rights.

Declaration of
[REDACTED]
(No. 3:09-CV-05456-BHS)

1

BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
(812) 232-2434

1 4. After several statements back and forth, the caller asked how I would like it if a number of
2 her friends were brought to picket the church or to attend a morning service. I responded that the
3 church is open to all who wish to come, but we expect everyone to conduct themselves in a way
4 appropriate to a public worship service. The caller assured me that this would be the case.

5 5. This caller was reserved in tone, but the spirit of the call was certainly one of challenge to
6 the appropriateness of my stand. The caller also communicated that my opinion justified some
7 kind of retaliatory action on his/her part, so that I - and others who are like-minded - will pay
8 some kind of bad consequence for the expression of our opinions.

9 6. On August 12, 2009, my secretary received a phone call while I was out of the office. The
10 caller identified herself as Krystal Mountaine, and called from the same number as the caller who
11 called on July 27, 2009. She stated that she would like to talk to the Pastor, and asked to have
12 me call. I have not returned this call.

13 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
14 AND CORRECT.

15
16 Executed on: August [REDACTED] 2009.

17 [REDACTED]
18
19 Signed: [REDACTED]
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the above-captioned action. My business address is 1 South Sixth Street; Terre Haute, Indiana 47807-3510.

On September 1, 2009, I electronically filed the foregoing document described as Declaration of John Doe #3 in Support of Motion for Preliminary Injunction with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

James K. Pharris
jamesp@atg.wa.gov
Counsel for Defendants Sam Reed and Brenda Galarza

Steven J. Dixon
sjd@wkdllaw.com
Duane M. Swinton
dms@wkdllaw.com
Counsel for Proposed Intervenor Washington Coalition for Open Government

Ryan McBrayer
rmcbrayer@perkinscoie.com
Counsel for Proposed Intervenor Washington Families Standing Together

And, pursuant to Fed. R. Civ. P. 5(b)(1) and 5(b)(2)(C), I served the foregoing document by placing a true and correct copy of the document in a sealed envelope with postage thereon fully prepaid, in the United States mail at Terre Haute, Indiana, addressed to the following non-CM/ECF participants:

Leslie R. Weatherhead
Witherspoon, Kelley, Davenport & Toole, P.S.
1100 U.S. Bank Building
422 W. Riverside Avenue
Spokane, WA 99201-0300
Counsel for Proposed Intervenor Washington Coalition for Open Government

Kevin J. Hamilton
William B. Stafford
Perkins Coie, LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Counsel for Proposed Intervenor Washington Families Standing Together

Arthur West
120 State Ave NE #1497
Olympia, WA 98501
*Proposed Intervenor*¹

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 1st day of September, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek
Counsel for All Plaintiffs

¹ A courtesy copy was provided via e-mail to Mr. West at awestaa@gmail.com.

Exhibit 10-2

Evidence of Record Previously Submitted
—Re-filed for the Court’s Convenience—

Dkt. 53

(Declaration of John Doe 3 in Support of Plaintiffs’
Motion for Preliminary Injunction)

Exhibit in Support of Pls.’ Response to
Def’s Motion for Summ. J.
(Case No. 3:09-cv-05456-BHS)

BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
(812) 232-2434

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

JOHN DOE #1, an individual, JOHN DOE #2,
an individual, and PROTECT MARRIAGE
WASHINGTON,

Plaintiffs,

vs.

SAM REED, in his official capacity as
Secretary of State of Washington, BRENDA
GALARZA, in her official capacity as Public
Records Officer for the Secretary of State of
Washington,

Defendants.

No. 3:09-CV-05456-BHS

DECLARATION OF
[REDACTED]
IN SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION

NOTE ON MOTION CALENDAR:
September 3, 2009

The Honorable Benjamin H. Settle

I, [REDACTED], make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of Washington over 18 years of age, and my statements herein are based on personal knowledge.

2. My wife and I are pastors at [REDACTED] Church in Olympia, Washington. My wife has also submitted a declaration in this case.

3. Both my wife and I have been active in the petition campaign involving Referendum 71. I am a supporter of marriage, as defined between one man and one woman.

4. I have previously spoken out against same sex marriage. One forum in which I have done so is during a regular televised appearance that I make as a pastor.

Declaration of
[REDACTED]
(No. 3:09-CV-05456-BHS)

1

BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
(812) 232-2434

1 5. In March 2009, during the debate on Senate Bill 5688, I spoke against the Bill in front of a
2 State Legislative committee.

3 6. Two of the Senators on the committee were homosexual, and attempted to prevent me
4 from speaking on everything that I wanted to speak on.

5 7. My wife and I are listed on the Protect Marriage Washington website as endorsers of the
6 petition.

7 8. I acted as a signature gatherer during the signature gathering period. I gathered signatures
8 at various locations, including outside public stores such as Wal-Mart, Target, and Fred Meyer.

9 9. During the petition signing period, I traveled and drove to many areas of Washington,
10 talking to other pastors about Referendum 71 and the Referendum 71 petition drive.

11 10. At a Wal-Mart store, I was obtaining the signature of an older woman. Before she could
12 sign the petition, a lesbian couple came out of the store and glared at the woman and myself.
13 One member of the lesbian couple then stated that "We have feelings to."

14 11. After this member of the lesbian couple spoke, the elderly lady became scared and
15 backed a few feet away, clearly too intimidated to sign the petition. Quickly, I spoke with the
16 lesbian woman, and then convinced the elderly lady to sign. However, had I not done this, I
17 believe that the woman would not have signed the petition.

18 12. In another incident at the same Wal-Mart, a transgender person came from inside the
19 store to where I was collecting signatures outside. He/she stood glaring at me for several minutes
20 with hands on his/her hips, then asked me what this petition was about. I explained to him/her
21 that the petition is Referendum 71 to Preserve Marriage and Protect Children. He/she then asked
22 me why I supported it. I told him/her it was because of my Christian beliefs. He/she started
23 getting argumentative and asked, "What does the Bible say about that?" I quoted a verse of the
24 Bible to him/her. At this point, he/she got more argumentative, so I told him/her, "It's obvious
25 you're not interested in what the Bible says, so we should discontinue this conversation."

26 13. This happened on a Sunday afternoon after my church service, and I was still in my
27 church suit. The transgender person then asked me, "Are you a pastor?" I said yes. He/she then
28 asked me where my church was located. I told him/her. The transgender person then said, "I'm

Declaration of

2

BOPP, COLESON & BOSTROM

(No. 3:09-CV-05456-BHS)

**1 South Sixth Street
Terre Haute, Indiana 47807-3510**

Exhibit 10, Page 8

(812) 232-2434

1 going to come get a *whole bunch* of my gay and transgender friends and we're going to be there
2 next Sunday *at your church*." It was clear this was meant to be a threat.

3 14. At another Wal-Mart store, my wife and I were collecting signatures at a table. As my
4 wife finished helping a woman sign the petition, I noticed a young woman holding her cell phone
5 up near the table, pointing it at my wife, and either taking a picture or video with the phone. She
6 also took a picture of me.

7
8 15. Before either my wife or I could say anything to the young woman, the young woman
9 told us that she was going to put these photographs of my wife and I on her Facebook and
10 MySpace pages, without my permission, for all of her lesbian and transgender friends to see. I
11 viewed this as a threat. After making this comment, she closed her phone and walked away.

12 16. I view the young woman's comment that she was going to place the photograph on her
13 Facebook page, without my permission, as a threat.

14 17. At a Target store, a lesbian saw that I was gathering signatures outside the store. She
15 then walked into the store and asked a security guard and a manager to have me leave. However,
16 when I was asked to leave, I asked to speak with the head manager of the store, who allowed me
17 to continue to gather signatures. I believe that many people who would have been asked to leave
18 by a manager and a security guard would have done so, even though they should have been
19 allowed to gather signatures.

20 18. I have also been participating in the petition signature verification process as an
21 observer. As an observer, I am required to "sign in" daily with the Secretary of State whenever I
22 observe the process.

23
24 19. The day after beginning the observation process, our church phone began to receive calls
25 from someone who was identified on our caller i.d. as "David Baurle". My wife spoke with
26 "David," as detailed in her declaration. Because my wife had this conversation on the speaker
27 phone, I heard the entire conversation. Moreover, the harassment and threats he made were
28 directed at our church, and therefore, were not only made against her, but against me as well. My

1 wife spoke with David/Krystal on a Saturday, the day before we were scheduled to have church
2 services.

3 20. Our church is temporarily located in a [REDACTED] After my wife received these calls, the two
4 of us called the [REDACTED] manager and told him of the threats David/Krystal had made against us and
5 our church, with whom we have a good relationship. The manager was concerned about the
6 potential for a disturbance, because this might be bad for his [REDACTED] and it could be viewed badly
7 by his corporation. He was also concerned that members of the "press" would show up at the
8 [REDACTED], and potentially cause a loss of business, as well as disrupt the [REDACTED] of the [REDACTED] My wife
9 and I assured the [REDACTED] manager that federal law prevented the sorts of disturbances that
10 David/Krystal threatened.

11 21. My wife and I also called the police to let them know about the harassing phone calls my
12 wife and I had received, and the threats to disrupt our church services. The officer who
13 responded listened to the numerous messages that David/Krystal had left on our church
14 answering machine. The officer then called David/Krystal and told him not to continue the
15 harassment and threats against us, as well as to tell him that he was not welcome at our church.
16
17
18
19
20
21
22
23
24
25
26
27
28

1 22. After the police were called and put on notice for any potential trouble at our church the
2 following day, I called the police in our own community of Dupont. I asked the police, as well as
3 a close neighbor, to keep a watch over our home. Because my wife and I were acting as the lead
4 observers of the Referendum 71 signature review process from 7:30 a.m. until 10:00 p.m.,
5 Monday through Friday, I did not feel comfortable leaving our home unattended after the phone
6 calls and threats that we had begun to receive after overseeing the signature verification process
7 in Olympia.

8 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
9 AND CORRECT.

10 Executed on: August [REDACTED] 2009.

11
12 [REDACTED]
13 Signed: [REDACTED]
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the above-captioned action. My business address is 1 South Sixth Street; Terre Haute, Indiana 47807-3510.

On September 1, 2009, I electronically filed the foregoing document described as Declaration of John Doe #4 in Support of Motion for Preliminary Injunction with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

James K. Pharris
jamesp@atg.wa.gov
Counsel for Defendants Sam Reed and Brenda Galarza

Steven J. Dixon
sjd@wkdllaw.com
Duane M. Swinton
dms@wkdllaw.com
Counsel for Proposed Intervenor Washington Coalition for Open Government

Ryan McBrayer
rmcbrayer@perkinscoie.com
Counsel for Proposed Intervenor Washington Families Standing Together

And, pursuant to Fed. R. Civ. P. 5(b)(1) and 5(b)(2)(C), I served the foregoing document by placing a true and correct copy of the document in a sealed envelope with postage thereon fully prepaid, in the United States mail at Terre Haute, Indiana, addressed to the following non-CM/ECF participants:

Leslie R. Weatherhead
Witherspoon, Kelley, Davenport & Toole, P.S.
1100 U.S. Bank Building
422 W. Riverside Avenue
Spokane, WA 99201-0300
Counsel for Proposed Intervenor Washington Coalition for Open Government

Kevin J. Hamilton
William B. Stafford
Perkins Coie, LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Counsel for Proposed Intervenor Washington Families Standing Together

Arthur West
120 State Ave NE #1497
Olympia, WA 98501
*Proposed Intervenor*¹

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 1st day of September, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek
Counsel for All Plaintiffs

¹ A courtesy copy was provided via e-mail to Mr. West at awestaa@gmail.com.

Exhibit 10-3

Evidence of Record Previously Submitted
—Re-filed for the Court’s Convenience—

Dkt. 54

(Declaration of John Doe 4 in Support of Plaintiffs’
Motion for Preliminary Injunction)

Exhibit in Support of Pls.’ Response to
Def’s Motion for Summ. J.
(Case No. 3:09-cv-05456-BHS)

BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
(812) 232-2434

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

JOHN DOE #1, an individual, JOHN DOE #2,
an individual, and PROTECT MARRIAGE
WASHINGTON,

Plaintiffs,

vs.

SAM REED, in his official capacity as
Secretary of State of Washington, BRENDA
GALARZA, in her official capacity as Public
Records Officer for the Secretary of State of
Washington,

Defendants.

No. 3:09-CV-05456-BHS

DECLARATION OF
[REDACTED]
IN SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION

NOTE ON MOTION CALENDAR:
September 3, 2009

The Honorable Benjamin H. Settle

I, [REDACTED] make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of Washington over 18 years of age, and my statements herein are based on personal knowledge.

2. My husband and I are pastors at [REDACTED] Church in Olympia, Washington.

3. Both my husband and I have been active in the petition campaign involving Referendum

71. I am a supporter of marriage, as defined between one man and one woman.

4. My husband and I are listed on the Protect Marriage Washington website as endorsers of the petition.

Declaration of
[REDACTED]
(No. 3:09-CV-05456-BHS)

1

BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
(812) 232-2434

Exhibit 10, Page 15

1 5. I acted as a signature gatherer during the signature gathering period. I gathered signatures
2 at various locations, including outside public stores such as Wal-Mart, Target, and Fred Meyer.

3 6. During the petition signing period, I traveled and drove to many areas of Washington,
4 talking to other pastors about Referendum 71 and the Referendum 71 petition drive.

5 7. At a Fred Meyer store, the manager of the store said that we had five minutes to leave
6 before she would call the police because we were gathering signatures in front of the store.

7 8. At a Wal-Mart store, my husband and I were collecting signatures at a table. As I finished
8 helping a female sign the petition, I turned and saw a young woman pointing her cell phone at
9 me. She also told me that she had been making a videotape of me. I believe that she had been
10 doing this for several minutes.

11 9. Before I could say anything to the young woman, she said, "I just took your picture and
12 have been videotaping you. I'm going to put this on my MySpace page and Facebook for all my
13 transgender and lesbian friends to see what you are doing." She then closed her phone and
14 walked away.

15 10. I am not comfortable knowing that someone took my picture without my permission to
16 put on her MySpace and Facebook pages. I took this comment as a threat.

17 11. I have been participating in the petition signature verification process as an observer. As
18 an observer, I am required to "sign in" with the Secretary of State whenever I observe the
19 process.

20 12. On July 30, 2009, the day after becoming the lead observers during the signature
21 verification process for Referendum 71, where we must sign in daily, we began to receive calls
22 from someone who was identified as "David Baurle" on our caller identification.

23 13. Because my husband and I were at the elections office as lead observers for Referendum
24 71, I was not able to David's phone call until that Saturday, August 1, 2009. When I returned the
25 call and asked for David, the person who answered told me that I had reached "Krystal
26 Mountaine." I told the person that I had received two messages from a "David" at this number.
27 The person told me that no one named David lived at the number I had dialed. He then asked
28 who I was, and I identified myself as Pastor [REDACTED]

Declaration of

2

BOPP, COLESON & BOSTROM

[REDACTED]
(No. 3:09-CV-05456-BHS)

1 South Sixth Street
Terre Haute, Indiana 47807-3510

(812) 232-2434

1 Church, and David/Krystal stated that she/he had made the phone calls to our church where the
2 caller had identified as "David." David/Krystal then told me that David had been his name, but
3 that he/she had legally changed it to Krystal. Later in our conversation, David/Krystal told me
4 that he/she was a hermaphrodite. Because the caller i.d. had referred to the caller as David
5 Baurle, I do not know which is the correct name to refer to him/her as. To minimize confusion, I
6 will refer to this individual as "David," as this was the first name I associated with the individual.

7 14. I asked David where he had found our names, and he stated that he had found us on the
8 internet. He then said, "You're listed on [REDACTED]'s website as one of his sponsors, aren't
9 you?" I told him yes, and I inquired as to how he had found our phone number. He then stated,
10 "You're on the internet, aren't you?" Although I pressed him to be more specific, he refused to
11 tell me anything more.

12 15. David asked me why I was involved in the Referendum, and why I was against people
13 like him having their rights.

14 16. I told David that our website had a video explaining our position, and that if he had
15 found us on the internet, he could watch a video we have on the church website by Pastor [REDACTED]
16 my husband, titled, "[REDACTED]" and that should answer all
17 his questions. David said, "I've already watched it."

18 17. David told me that he/she had many transgender friends who would come to our church.
19 I told David he was welcome to come to our church and *after* our services were over, my
20 husband and I would have no problem sitting down and discussing with him any questions he
21 might have, but we would not want any disturbances or disruptions during worship.

22 18. After I answered one of David's questions about my opinion regarding homosexuality
23 and his being a transgender, David started a verbal tirade of calling me "stupid" and other names.
24 Once that started, I interrupted David and said that if he wanted my opinion, I would only give it
25 if he was going to be civil; otherwise, if he was going to continue this verbal assault, we had
26 nothing further to discuss. David then ended the conversation and hung up.

27 19. Immediately after hanging up, David called our church phone three more times.

28 20. David left message each of the times he called. The messages were threatening in

1 nature. For instance, David stated that he would be bringing his transgender friends to our
 2 services the next day. Sarcastically, David stated that we didn't have to "worry" that there would
 3 be a disturbance, but by his tone and comments, his intentions were clear. In these voice
 4 messages, David initially referred to me as "lady," then changed and started to refer to me as
 5 "sir" or "that gentleman I was talking to." I believe which meant either he and his friends would
 6 threaten those who attend our services and prevent them from donating. David also stated that
 7 we would not be getting much from our offering plate on Sunday. He also said, "when me and
 8 ALL my gay and transgender friends come to your church tomorrow, I hope you have *enough*
 9 room for all of us, when the community finds out you and your church are not supporting the gay
 10 community, they will not want to *give to your church.*"

11 21. Our church is temporarily located in a [REDACTED] and we have a good relationship with the
 12 [REDACTED] manager. We did not want this situation to become a problem not only just for us, and our
 13 church, but for the [REDACTED] as well.

14 22. After receiving the calls, my husband and I called the [REDACTED] manager, who we have a
 15 good relationship with, to apprise him of the potential problem at our church services the next
 16 day. The calls above were made on a Saturday morning, and our church service was scheduled
 17 the next day.

18 23. The manager was concerned about a possible disturbance, both for his [REDACTED] and
 19 because of how such a disturbance would be viewed by his own managers. He also worried that
 20 the "press" could show up at the [REDACTED] and potentially cause a loss of business, as well as disrupt
 21 the [REDACTED] of the [REDACTED]. We assured the [REDACTED] manager that federal law prevented the sorts of
 22 disturbances that David threatened.

23 24. My husband and I also called the police to let them know of the harassing phone calls
 24 and threats to disrupt our church services. The officer who responded listened to the messages
 25 that David had left on our answering machine. The officer then called David and told him not to
 26 continue the harassment and threats, and that he was not welcome at our church.

27 25. Although David has not showed up to our services, nor continued his harassing phone
 28 calls, I have since received an email from Krystal Mountaine. A true and correct copy of that

Declaration of

4

BOPP, COLESON & BOSTROM

1 South Sixth Street

(No. 3:09-CV-05456-BHS)

Terre Haute, Indiana 47807-3510

(812) 232-2434

1 email is attached as Exhibit A to this declaration. Although the email states that David had no
2 intent to disturb our services, I believe he had just such an intent and only wrote this letter
3 because he had been contacted by the police.

4 26. I felt that someone other than David/Krystal drafted this email, because the style and
5 words did not sound at all like the David/Krystal we talked with on the phone, and who left three
6 messages. The email appeared to be written by someone other than David/Krystal, because it
7 was much more articulate than he had been in all of our previous interactions.

8 27. Our church has also received a phone call from someone who left a message of gibberish
9 that is only partially understandable. This call came the second week my husband and I were
10 overseeing the signature verification process as the [REDACTED] for Referendum 71 (August
11 13th). My husband and I act as [REDACTED] from 7:30 a.m. to 10:00 p.m., Monday through
12 Friday, at the Secretary of State's office in Olympia, Washington. Although I cannot be sure, I
13 believe that this message is related to our participation in the Referendum 71 campaign.

14 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
15 AND CORRECT.

16
17 Executed on: August [REDACTED] 2009.

18 [REDACTED]
19
20 Signed: [REDACTED]
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the above-captioned action. My business address is 1 South Sixth Street; Terre Haute, Indiana 47807-3510.

On September 1, 2009, I electronically filed the foregoing document described as Declaration of John Doe #5 in Support of Motion for Preliminary Injunction with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

James K. Pharris
jamesp@atg.wa.gov
Counsel for Defendants Sam Reed and Brenda Galarza

Steven J. Dixon
sjd@wkdllaw.com
Duane M. Swinton
dms@wkdllaw.com
Counsel for Proposed Intervenor Washington Coalition for Open Government

Ryan McBrayer
rmcbrayer@perkinscoie.com
Counsel for Proposed Intervenor Washington Families Standing Together

And, pursuant to Fed. R. Civ. P. 5(b)(1) and 5(b)(2)(C), I served the foregoing document by placing a true and correct copy of the document in a sealed envelope with postage thereon fully prepaid, in the United States mail at Terre Haute, Indiana, addressed to the following non-CM/ECF participants:

Leslie R. Weatherhead
Witherspoon, Kelley, Davenport & Toole, P.S.
1100 U.S. Bank Building
422 W. Riverside Avenue
Spokane, WA 99201-0300
Counsel for Proposed Intervenor Washington Coalition for Open Government

Kevin J. Hamilton
William B. Stafford
Perkins Coie, LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Counsel for Proposed Intervenor Washington Families Standing Together

1 Arthur West
2 120 State Ave NE #1497
3 Olympia, WA 98501
4 *Proposed Intervenor*¹

5 I declare under the penalty of perjury under the laws of the State of Indiana that the above is
6 true and correct. Executed this 1st day of September, 2009.

7 /s/ Scott F. Bieniek
8 Scott F. Bieniek
9 *Counsel for All Plaintiffs*

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 ¹ A courtesy copy was provided via e-mail to Mr. West at awestaa@gmail.com.

Exhibit A

--- On Tue, 8/4/09, krystal mountaine <krystalgirl@hotmail.com> wrote:

From: krystal mountaine <krystalgirl@hotmail.com>

Subject:

To: [REDACTED]

Date: Tuesday, August 4, 2009, 10:10 PM

To the pastors of [REDACTED] Church, I am writing you to express my feelings to you in regard to both your active support of referendum 71 and your actions regarding the transgendered population of this state. To begin with I am not attempting to threaten you or convey any intent of harm to you, however I feel I have a right to discuss the issues of a public nature with those who engage in public ventures as your church and congregation clearly have. I respect your religious beliefs and served my country proudly in the US special forces while serving in the first gulf war. I was both injured in combat and recieved several medals for my service in that war. I fought for all Americans and not just for those whom feel that they have a moral right to the priveledges of this country. I attempted to call you on saturday to discuss this matter, but was unable to talk about the issues of this bill given that my current gender was repeatedly disrespected. I too am a Christian and have read the Bible and while we might agree that homosexual conduct is a sin, so are all the other sins that you are overlooking. I would like the opportunity to believe that your church really does welcome all comers, but following this weekends response I'm not real sure that is the case. You may not like me for my life, but requesting that myself and all my friends not attend your church is a pretty bold un-Christ like statement.... especially given that I stated clearly I have no intent on causing a disruption to your service or members. I am extending to you forgiveness and the opportunity to discuss your position like adult Christians.. I will not be contacting you any further as I know no response from you is a response. Krystal Mountaine (and yes that is my legal name) P.S. The true test of a church is not in it's members or it's building, it's in the question of if Christ walked the earth today would he be welcome in it?

Get back to school stuff for them and cashback for you. Try BingT now.