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STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

SHELLEY M. KERSLAKE, being first duly sworn on oath, deposes and states as follows:

1. That I am the attorney of record for the defendants in the above-captioned action, and am over the age of eighteen and competent to testify herein.

2. That attached to the Motion and Memorandum in Support of Defendant's Motion for Partial Summary Judgment, and marked as Exhibit "1", is a true and accurate copy of excerpts of the Amended Answers to Defendant City's Interrogatories to Plaintiff.

3. That attached to the Motion and Memorandum in Support of Defendant's Motion for Partial Summary Judgment, and marked as Exhibit "2", is a true and accurate copy of excerpts of Defendants' First Interrogatories to Plaintiff and Requests for Production and Answers Thereto.

4. That attached to the Motion and Memorandum in Support of Defendant's Motion for Partial Summary Judgment, and marked as Exhibit "3", is a true and accurate copy of deposition excerpts of Joseph Kirby, Volume I, taken on February 15, 2001.

5. That attached to the Motion and Memorandum in Support of Defendant's Motion for Partial Summary Judgment, and marked as Exhibit "4",

1 is a true and accurate copy of deposition excerpts of Joseph Kirby, Volume II,
2 taken on October 23, 2001.

3 FURTHER YOUR AFFIANT SAYETH NAUGHT.

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6 _____
SHELLEY M. KERSLAKE

7 SUBSCRIBED and SWORN to before me this _____ day of November,
8 2002.

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10 _____
Printed Name: M. J. HUGHES
11 NOTARY PUBLIC in and for the State of
Washington, residing at: Tacoma
12 My commission expires: 11/11/03
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