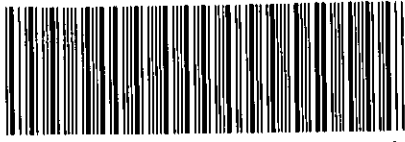


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99-2-13911-4 17700384 DCLR 12-09-02

HON. KATHERINE M. STOLZ

FILED
IN COUNTY CLERK'S OFFICE

A.M. DEC - 9 2002 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

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

JOSEPH J. KIRBY and DEBORAH A.)
KIRBY, husband and wife,)
Plaintiffs,)

No. 99 2 13911 4

vs.)

DECLARATION OF
PHILIP G. LINDSAY, M.D.

THE CITY OF TACOMA, a municipal)
corporation; RAY CORPUZ and)
"JANE DOE" CORPUZ, husband and)
wife; PHILIP ARREOLA and "JANE)
DOE" ARREOLA, husband and)
wife; WILLIAM WOODARD and)
CATHERINE WOODARD, husband and)
wife; RAYMOND ROBERTS and "JANE)
DOE" ROBERTS, husband and wife;)
DAVID BRAME and "JANE DOE")
BRAME, husband and wife; and)
JAMES HAIRSTON and "JANE DOE")
HAIRSTON, husband and wife,)
Defendants.)

I, Philip G. Lindsay, M. D., being first duly sworn,
declare as follows:

MESSINA • BULZOMI

5316 Orchard St. W.
Tacoma, WA 98467-3633
(253) 472-6000

1 1. I am a physician practicing in the State of
2 Washington, specializing in psychiatry medicine. I am board
3 certified in Internal Medicine and Psychiatry and Neurology
4 (Psychiatry). Attached to this declaration as Exhibit "A" is
5 a copy of my curriculum vitae. I am over the age of 18 years
6 and am competent to testify to the matters contained in this
7 declaration. All of the opinions contained herein are on a
8 more-probable-than-not basis with reasonable medical certainty.

9 2. On September, 15, 1998, I first commenced treatment
10 of Joe Kirby. This and the next appointment of October 5,
11 1998, comprised my evaluation. I continued to treat him from
12 then to March 26, 2001. There were a total of about 26
13 appointments.

14 3. Based upon my initial evaluation, my diagnostic
15 impression for Mr. Kirby is:

- 16 a. Major depressive disorder, single episode;
17 b. Anxiety disorder, not otherwise specified, with
18 posttraumatic stress disorder features;
19 c. Status post renal carcinoma.

20 4. In my opinion, the major depressive disorder was and
21 is a direct result of workplace stressors. The anxiety
22 disorder, with posttraumatic stress disorder features, was and
23 is a direct result of the death of his friend and co-worker in
24 the line of duty. His work related conditions developed within
25 days or weeks following the triggering factors.

MESSINA • BULZOMI

5316 Orchard St. W.
Tacoma, WA 98467-3633
(253) 472-6000

1 5. With regard to the diagnosis of major depressive
2 disorder, Mr. Kirby relayed that beginning about 18 months
3 prior to his first visit to me on September 15, 1998, he began
4 to experience symptoms as a result of marked work stressors.
5 These work stressors included his role as a union representa-
6 tive appearing to conflict with relationships in the police
7 department. He experienced symptoms of depression manifested
8 by depressed, sad mood, anorexia, middle insomnia, irritabil-
9 ity, forgetfulness, diminished concentrating ability, social
10 withdrawal, marked restlessness, with pacing, agitation, night
11 sweats and recurring distressing dreams. These symptoms
12 occurred in the context of stressors involving supervisors
13 criticizing and harassing him, investigating him, belittling
14 him in staff meetings and, finally, taking his badge and gun,
15 after he told the Chief of Police of his stress.

16 6. With regard to the posttraumatic stress disorder, I
17 learned that following the death of Mr. Kirby's friend in the
18 line of duty, he had symptoms of nightmares, intrusive memories
19 and insomnia. He had difficulties related to receiving the
20 personal effects of his friend. He, also, noted irritability
21 and anxiety, with an exaggerated startle reaction,.

22 7. Throughout my treatment of Mr. Kirby to March 26,
23 2001, he reported numerous events to me in the workplace such
24 as being repeatedly investigated and having his e-mail seized
25 for things that he viewed as not an appropriate investigation,

MESSINA • BULZOMI

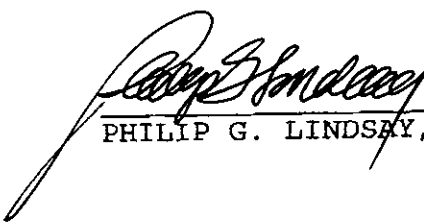
5316 Orchard St. W.
Tacoma, WA 98467-3633
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1 of being belittled in staff meetings and being subjected to an
 2 adverse or hostile environment in his workplace. Some of these
 3 events had occurred prior to treatment and some occurred
 4 throughout the time frame of his treatment with my office.

5 8. It is my opinion that the major depressive disorder
 6 was directly caused by the work stressors identified above on
 7 a more probable than not basis.

8 I declare under penalty of perjury under the laws of the
 9 state of Washington that the foregoing is true and correct to
 10 the best of my personal knowledge and belief.

11 Dated this 26th day of November, 2002, at Seattle,
 12 Washington.

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 14 
 15 PHILIP G. LINDSEY, M.D.
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MESSINA • BULZOMI
 5316 Orchard St. W.
 Tacoma, WA 98467-3633
 (253) 472-6000

Kirby

PHILIP GAYLORD LINDSAY, M.D.
INTERNAL MEDICINE & PSYCHIATRY

CURRICULUM VITAE

Business Address: 1101 Madison Street
Suite 1260
Seattle, Washington 98104

Business Telephone: (206) 622-5454 **Fax:** (206) 622-5501

Tax Identification #: 91-0891186

Special Areas of Interest: Administrative Disability Evaluations
Affective disorders
Attention Deficit Hyperactivity Disorder
Chronic pain syndromes
Consultation-liaison psychiatry
Dissociative disorders including dissociative identity disorder
Forensic psychiatry
Head injury sequelae
Medical-Psychiatric disorders
Posttraumatic stress disorder
Psychopharmacology
Stress-related disorders and stress management

Date of Birth: January 21, 1937

Place of Birth: Olympia, Washington

Citizenship: United States

Marital Status: Married, Five Children

High School: Auburn Academy, Auburn, Washington, Graduated 1955

College: Walla Walla College, Walla Walla, Washington, B.S. Zoology, 1959

Medical School: Loma Linda University, Loma Linda, California, M.D., 1963

Internship: Los Angeles County General Hospital, Straight Medicine, 1963-1964

Residencies: University of Iowa Hospitals, Internal Medicine Residency, 1964-1966
University of Oklahoma Medical Center, Internal Medicine Residency, 1969

PHILIP GAYLORD LINDSAY, M.D.*Curriculum Vitae* - Page 2

University of Oklahoma Medical Center, Psychiatry Residency, 1968-1969
 University of Washington Hospitals, Psychiatry Residency, 1969-1971

- Honors & Awards:** Balfour Award, Outstanding Student, Auburn Academy, 1955
 Alpha Omega Alpha Honor Medical Society, Loma Linda University, 1963
 Psychosomatics Best Paper Award, Second Prize, for **Pain, Depression and Antidepressants**, *Psychosomatics* 22:7, 571-3, 576-7, 1981.
- Licensure:** Washington State, February, 1970
- Board Certification:** National Board of Medical Examiners Part III, 1964
 American Board of Internal Medicine, 1973
 American Board of Psychiatry and Neurology (Psychiatry), 1975
- Faculty Positions:** University of Oklahoma Medical Center, Department of Internal Medicine, Clinical Assistant in Medicine, 1966-1968
 University of Washington, Department of Psychiatry and Behavioral Sciences, Clinical Assistant
 University of Washington, Department of Psychiatry and Behavioral Sciences, Assistant Clinical Professor, 1971-Present
- Hospital Positions:** Harborview Medical Center, Chief Resident in Psychiatry, 1971
 Valley General Hospital, Chairman of Psychiatry Service, 1971-1974
 Valley General Hospital, Medical Director, Psychiatry Inpatient Service, 1973-1974
 Valley General Hospital, Chairman, Internal Medicine Department, 1974
 Providence Medical Center, Chairman, Department of Psychiatry, 1992-1994
- Hospital Staff Appointments:** Swedish Hospital Medical Center, 1976 - present
 Providence Medical Center, 1976 - present
- Administrative Responsibilities:** President, Loma Linda University Chapter, Student American Medical Association, 1959-1963
 Founder, Medi-Staff, University of Washington House Staff Association, Medical Service Organization, 1970
 President, House Staff Association, University of Washington Affiliated Hospitals, 1970-1971
- Hospital Administrative Responsibilities:** Founder, Psychiatry Inpatient Service (1WB), Valley General Hospital, 1973
 Founder, Psychiatry Inpatient Service (2N), Providence Medical Center, 1977
 Chairman, Long Range Planning Committee, Psychiatry Department, Providence Medical Center, 1981
 Chairman, Private Practice Committee, Washington State Medical

Association, 1991-1992
 Chairman, Department of Psychiatry, Providence Medical Center, Seattle,
 Washington, 1992-1994

Military Service: Captain, United States Air Force, Tinker AFB, 1966-1968

Medical Practice: Private practice Internal Medicine and Psychiatry, Seattle, Washington,
 1971-Present

Professional Memberships: King County Medical Society
 Washington State Medical Association
 American Medical Association
 Washington State Psychiatric Association
 American Psychiatric Association

Major Invited Papers, Seminars, Lectures and Conferences:

- 11-18-74 Children's Orthopedic Hospital, Seattle, Washington, **Psychiatric manifestations of medical illness.**
- 6-15-76 Medical Grand Rounds, Providence Medical Center, Seattle, Washington, **The psychiatric manifestations of medical disorders.**
- 4-1-78 North Pacific Society of Neurology and Psychiatry, Rosario, Washington, **Biofeedback, stress and stressors.**
- 1-3-79 Medical Grand Rounds, Providence Medical Center, Seattle, Washington, **Biofeedback: A review of mechanisms and applications.**
- 8-28-79 Medical Residents Teaching Conference, Swedish Hospital Medical Center, Seattle, Washington, **Delirium: Diagnosis and management.**
- 10-4-79 Medical Grand Rounds, Providence Medical Center, Seattle, Washington, **Anxiety, stress management and anxiolytics.**
- 5-1-80 Chairman, National Conference on Stress, Providence Medical Center, Seattle, Washington.
- 5-1-80 National Conference on Stress, Providence Medical Center, Seattle, Washington, **Stress, stress management and biofeedback.**
- 10-6-80 Medical Grand Rounds, Swedish Hospital Medical Center, Seattle, Washington, **Enkephalinergic mechanisms in pain pathways.**
- 1-27-81 Medical Grand Rounds, Swedish Hospital Medical Center, Seattle, Washington, **Depression update.**
- 1-28-81 Program Chairman, Psychiatry Section, North Pacific Society of Neurology and Psychiatry, Seattle, Washington.
- 3-24-81 Medical Grand Rounds, Providence Medical Center, Seattle, Washington, **Diagnosis by nail: The systemic onychopathies.**
- 4-21-81 Medical Residents Teaching Conference, Providence Medical Center, Seattle, Washington, **The systemic onychopathies.**
- 12-2-81 Program Chairman, Ciba Symposium, **The management of depression in primary care practice.**
- 12-2-81 Ciba Symposium, Seattle, Washington, **The management of depression in**

- primary care practice.
- 1-12-82 Valley General Hospital, Renton, Washington, **The management of anxiety, depression and delirium.**
- Annually, 1982 through 1987. Psychiatry Residents Didactic Program, University of Washington, Seattle, Washington, **The psychiatric manifestations of medical disorders: Somatopsychics.**
- 5-15-82 Mason Clinic Symposium, Mason Clinic, Seattle, Washington, **"Clinical pharmacology for the practitioner," second generation antidepressants.**
- 10-11-82 Ciba, Detroit, Michigan, **Colloquium on pain and depression.**
- 10-26-82 Swedish Hospital Medical Center, Seattle, Washington, **Grief and depression.**
- 11-9-82 Stevens Memorial Hospital, Seattle, Washington, **Psychotropic medication: Recent developments.**
- 2-9-83 Medical Residents Teaching Conference, Providence Medical Center, Seattle, Washington, **The difficult patient.**
- 3-2-83 Co-Chairman, National conference on antidepressants in pain and depression, Seattle, Washington.
- 3-2-83 Ciba Regional Conference on Pain and Depression, Nampa, Idaho, **The presentation of pain and depression and Antidepressants, pain-depression, and endorphins.**
- 3-24-83 North Pacific Society of Neurology and Psychiatry, Salishan, Oregon, **Somatization disorder, the dysphorias and enkephalins.**
- 4-20-83 Department of Psychiatry, Good Samaritan Hospital, Portland, Oregon, **Pain-depression, antidepressants, and enkephalins.**
- 9-21-83 Providence Medical Center, Portland, Oregon, **Antidepressants in pain-depression.**
- 10-11-83 Providence Medical Center, Seattle, Washington, **Enkephalins, pain and depression.**
- 2-10-84 Primary Care Conference, Sun Valley, Idaho, **Antidepressant responsive syndromes: Panic disorder, chronic pain and depression.**
- 12-5-84 through 12-29-84 Providence Medical Center, Seattle, Washington, **Medical aspects of psychiatric illness.**
- 3-9-85 Virginia Mason Hospital, Seattle, Washington, **The violent patient and the role of psychiatry.**
- 4-18-85 Washington State Psychological Association, **Multiple personality: Current research.**
- 1-9-86 Providence Medical Center, Seattle, Washington, **Antidepressant trials as they affect length of stay.**
- 1-22-86 St. Joseph Hospital, Tacoma, Washington, **Pain, depression and antidepressants. Depression: The mask and masquerade, Antidepressant responsive syndromes, and Antidepressants: The choice and use.**
- 6-12-86 through 6-13-86 Seattle Primary Care Conference, Seattle, Washington, **Antidepressant responsive syndromes and Antidepressants: The choice and use.**

- 10-23-86 Pacific Northwest Medical Education Institute, Inc., **Antidepressant responsive syndromes.**
- 11-14-86 Providence Medical Center, Seattle, Washington, **Grand Rounds, Delirium: Diagnosis and management.**
- 2-16-87 Primary Care Conference, Sun Valley, Idaho, **Delirium: Recognition and management.**
- 2-17-87 Primary Care Conference, Sun Valley, Idaho, **Pain, depression and antidepressants.**
- 9-17-87 Canadian Academy of Family Practice, Saskatchewan Branch, Saskatoon, **Antidepressants in chronic pain.**
- 9-18-87 Ciba Symposium, Toronto, Ontario, **Antidepressants in chronic pain.**
- 11-19-88 Ciba Symposium, Vancouver, Toronto, London, Ontario, **Antidepressants in chronic pain.**
- 3-15-89 Ciba Symposium, Calgary, Alberta, Edmonton, Saskatchewan, **Antidepressants in chronic pain.**
- 3-28-89 Humana Hospital, Tacoma, Washington, **Antidepressant-responsive syndromes.**
- 10-24-89 The International Society for the Study of Multiple Personality and Disassociation, Chicago, Illinois, **The phenomenology of multiple personality disorder in 172 cases.**
- 1-30-90 Providence Medical Center, Everett, Washington, **Insomnia.**
- 3-9-90 Mead Johnson, Tacoma, Washington, **Differential diagnosis of anxiety and depression, how to treat it.**
- 6-90 Ciba Symposium, Toronto, **Antidepressants, pain, and depression.**
- 8-24-90 Washington State Trial Lawyers Association, **New developments in psychiatry.**
- 10-26-90 Washington State Psychological Association, workshop, **Dissociation: Theory, diagnosis, treatment.**
- 11-21-90 Multicare's Department of Continuing Medical Education, Department of Geriatrics and Tacoma Family Medicine, **Geriatric sleep disorders.**
- 2-27-91 Overlake Hospital, Bellevue, Washington, **Grand Rounds, Insomnia.**
- 5-2-91 Roosevelt Medical Center, Seattle, Washington, **Recognizing and treatment of anxiety in family practice.**
- 10-1-91 East Bremerton Doctors Clinic, Bremerton, Washington, **Insomnia, disease or symptom? : Understanding the BZ receptor.**
- 11-26-91 Providence Medical Center, Seattle, Washington, **Antidepressant-responsive syndromes.**
- 2-11-92 Washington Osteopathic Medical association, Tukwila, Washington, **An overview of sleeping disorders.**
- 2-23-92 American Orthopaedic Foot and Ankle Society, Washington, D.C., **Systemic secrets revealed by the nails.**
- 2-28-92 Washington State Trial Lawyers Association, Seattle, Washington, **Psychological Damages: What a mental health professional can add to your case.**
- 10-14-92 Swedish Medical Center, Seattle, Washington, **Managing everyday stress.**

PHILIP GAYLORD LINDSAY, M.D.*Curriculum Vitae - Page 6*

- 4-21-93 Kent Medical Center, Kent, Washington, **Management of co-morbid anxiety and depression.**
- 12-10-93 Attorney General's Conference, Seattle, Washington, **Injury: Depression and pain sequelae.**
- 2-1-94 Harborview Medical Center Clinician's Conference, Seattle, Washington, **Multiple personality disorder.**
- 6-23-94 Respiratory Care Center 9th Annual Symposium, Seattle, Washington, **Management of depression in the patient with asthma.**
- 11-22-94 Providence Medical Center, Seattle, Washington, **Comparing the new antidepressants.**
- 2-03-95 Providence Medical Center, **Managing depression, Conference Chairman.**
- 5-12-95 Seattle Pacific University, **Medication and medical issues regarding multiple personality disorder.**
- 6-30-95 Attorney General's Conference, Seattle, Washington, **Alcohol and substance abuse.**
- 9-28-95 Bristol-Myers Squibb, New Orleans, Louisiana, **First use case conference, case leader.**
- 1-17-96 Virginia Mason Sports Medicine, Seattle, Washington, **The differential diagnosis of nail syndromes.**
- 3-21-96 Providence Medical Center, Seattle, Washington, **Adult attention-deficit hyperactivity disorder.**
- 3-28-96 Wyeth-Ayerst, Tacoma, Washington, **Recognizing and treating depression in the elderly.**
- 5-16-96 Northwest Eye Associates, Seattle, Washington, **The psychiatric side-effects of ophthalmic beta blockers.**
- 10-16-96 Washington Geriatrics Society, Seattle, Washington, **Optimizing antidepressant algorithms.**
- 11-14-96 Eli Lilly and Company, Seattle, Washington, **Optimizing antidepressant algorithms.**
- 10-7-97 Highline Community Mental Health, Seattle, Washington, **Optimizing antidepressant treatment.**

Films & Videotapes:

- 1973 **Manic-depressive illness - Harborview Medical Center, Seattle, Washington**
- 1-20-83 **Pain, depression and antidepressants - Ciba-Geigy, New York, New York**

Publications-Papers:

- The half-and-half nail.** P.G. Lindsay, M.D., Arch Int Med, 119:583, 1967.
- The depression-pain syndrome and its response to antidepressants.**
P.G. Lindsay, M.D., Margo Wyckoff, Ph.D., Psychosomatics, 22:7, 1981.
- Maprotiline in pain-depression.** P.G. Lindsay, M.D., R.B. Olsen, M.D., Jour Clin Psy 46:6, 1985.

PHILIP GAYLORD LINDSAY, M.D.

Curriculum Vitae - Page 7

Psychosis and water intoxication as presenting symptoms of pulmonary carcinoma. B.L. Grant, M.D., P.G. Lindsay, M.D., *Psychosomatics*, 27:10, 732-733, 1986.

Publications-Book Reviews:

Medical-Psychiatric Practice, Reviewed *JAMA*, 1988.
Clinical Perspective on Multiple Personality Disorder, *American Journal of Clinical Hypnosis*, January 1994.
The Psychiatric Care of the Medical Patient, *JAMA*, June 8, 1994.
Psychiatric Diagnosis, *JAMA*, February 5, 1997.
Caring for Depression, *JAMA*, May 7, 1997.

Medical Journal Reviewer Responsibilities:

Paper Reviewer, *Archives of Internal Medicine*, 1966
 Paper Reviewer, *Psychosomatics*, 1981
 Book Reviewer, *JAMA*, 1992-1993
 Book Reviewer, *American Journal of Clinical Hypnosis*, 1993

Board Examiner Responsibilities:

Examiner, American Board of Neurology and Psychiatry, 1982

Grants:

Ciba-Geigy 1982, Research studying efficacy of maprotiline in pain-depression syndrome.

National Speakers Bureau Appointments and Faculty Positions:

Ciba-Geigy (Canada)
 Ciba-Geigy (U.S. and Canada)
 Mead-Johnson
 Burroughs Wellcome
 Wyeth-Ayerst
 Bristol Myers Squibb Company

Forensic Consultations Summary:

Number of Cases: 341 (as of August 1997)
 Number of Consulting Attorneys: 235

Distribution of Forensic Cases:

Personal Injury	197
Medical Malpractice Defense	64
Competency	17
Negligence	13
Criminal	17
Sexual Harassment	7
Other (including custody, visitation, guardianship, discrimination, harassment, wrongful death or release, duty to warn)	30

Detailed list of forensic consultations available upon request.