



99-2-13911-4 18231679 NTER 01-06-03

HON. KATHERINE M. STOLZ

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FILED
IN COUNTY CLERK'S OFFICE
A.M. JAN 3 - 2003 P.M.
PIERCE COUNTY, WASHINGTON
BY KEVIN STOCK, County Clerk DEPUTY

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.)

PLAINTIFFS' NOTICE OF
INTENT TO OFFER
DOCUMENTS TO BE DEEMED
AUTHENTIC AND
ADMISSIBLE

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.)

Pursuant to ER 904(b), the above-named plaintiffs, by and through the undersigned attorneys, provide notice to all parties, at least 30 days before trial, of the offer of the following described documents to be deemed authentic and

MESSINA • BULZOMI

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1 admissible without testimony or further identification, a copy
 2 of which is attached and numbered per the subjoined index:

3 **INDEX OF DOCUMENTS ATTACHED AND SO NUMBERED**

4 5 6 7 8	1. Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	I/A Investigation of Lt. Kirby directed by Chief Arreola for 1) insubordination; 2) improper use of electronic mails & 3) questioning the actions of another lieutenant by Charles Meinema 9/19/97 to 11/3/97
9 10 11	2. Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Disparate treatment of Lt. Kirby memo to David Brame from Charles Meinema 3/4/99
12 13 14 15	3. Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Administrative Report re: Lt. Kirby memo to David Brame from Charles Meinema 3/17/99
16 17 18 19	4. Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Administrative Report Directive memo re: Lt. Kirby to Charles Meinema from David Brame 4/8/99
20 21 22 23	5. Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Response to Directive of 4/8/99 from Charles Meinema to David Brame re: Lt. Kirby 4/11/99

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1	6.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Communications between Lt Stanley Fisk and Lt. Joseph Kirby & related memo by David Brame 5/12/99 to 5/27/99
2			
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5	7.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Tacoma Police Department Memo from Ray Roberts to Joseph Kirby re: Documentation of Oral Reprimand, Insubordination & Unsatisfactory Performance 11/3/99
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10	8.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	General Staff Meeting Minutes - Harrison Range 10/17/00
11			
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14	9.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Public Employment Relations Commission Notice 2/3/00
15			
16			
17	10.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Public Employment Relations Commission Complaint charging Unfair Labor Practices by Lt. Kirby. 6/14/00
18			
19			
20			
21	11.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	List of 15 "Self-Branding" authored by Tom Peters
22			
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1	12.	Name or Description of Document:	Washington State Criminal Justice Training Commission Basic Law Enforcement Academy Officer/Evaluation/Grade Sheet for Joseph Kirby
2		Dated:	1/5/83 to 3/23/83
3		Name of Author or Maker:	
4		Address, City, State & Zip:	
5		Telephone:	
6	13.	Name or Description of Document:	City of Tacoma Probationary Review Records - Evaluation of Employee Serving Probationary Period - Final Report for Joseph Kirby.
7		Dated:	1/5/84
8		Name of Author or Maker:	
9		Address, City, State & Zip:	
10		Telephone:	
11	14.	Name or Description of Document:	Ft. Steilacoom Comm College Transcript/Grade Record of Joseph Kirby for Assoc in Law Enforcement degree 1984
12		Dated:	
13		Name of Author or Maker:	
14		Address, City, State & Zip:	
15		Telephone:	
16	15.	Name or Description of Document:	Tacoma Police Department Memo of Commendation #84182120 to Joseph Kirby and W. Foster.
17		Dated:	7/3/84
18		Name of Author or Maker:	
19		Address, City, State & Zip:	
20		Telephone:	
21	16.	Name or Description of Document:	Letter to Police Chief from Citizen re: Joseph Kirby
22		Dated:	9/4/84
23		Name of Author or Maker:	
24		Address, City, State & Zip:	
25		Telephone:	
	17.	Name or Description of Document:	Tacoma Police Department Memo of Commendation Numbers 85015065/84014500 to Joseph Kirby and others
		Dated:	1/16/85
		Name of Author or Maker:	
		Address, City, State & Zip:	
		Telephone:	

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1	18.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Tacoma Police Department Award of Merit to Joseph Kirby 9/29/86
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5	19.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Tacoma Police Department Memo of Commendation, Case Numbers 86-166- 407 and 86-154-429 to Joseph Kirby and others 6/18/86
6			
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9	20.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Tacoma Police Department Memo of Commendation - Off-duty Assistant to On-Duty Officers to Joseph Kirby 8/17/87
10			
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13	21.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Tacoma Police Department Memo of Commendation to Joseph Kirby 9/6/90
14			
15			
16	22.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	City of Tacoma Probationary Review Record - Evaluation of Employee Serv- ing Probationary Period for Sergeant for Joseph Kirby 4/15/91
17			
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21	23.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Interoffice Memo re: Appreciation from Raymond Fjetland to Joseph Kirby 7/26/94
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1	24.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Interoffice Memo re: Arrest from Michael Darland to Joseph Kirby 7/26/94
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5	25.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Tacoma Police Department Intra-De- partmental Memo from Michael Moorhead to Joseph Kirby re: Com- mendation - Shooting 8/3/94
6			
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9	26.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	San Antonio Police Department letter to Joseph Kirby re: assistance in capital murder case 8/16/94
10			
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13	27.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	City of Tacoma Probationary Review Record - Evaluation of Employee Serving Probationary Period for Lieu- tenant re: Joseph Kirby 4/23/96
14			
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16			
17	28.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Tacoma Police Department Intra-De- partment Memo from Capt. Paul Mielbrecht to Joseph Kirby for Com- mendation - Gang Homicide Investiga- tion 6/13/97
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1	29.	Name or Description of Document:	City of Tacoma Probationary Review Record - Evaluation of Employee Serving Probationary Period for Police Captain re: Joseph Kirby
2		Dated:	7/14/99
3		Name of Author or Maker:	
4		Address, City, State & Zip:	
5		Telephone:	
6	30.	Name or Description of Document:	City of Tacoma Probationary Review Record - Evaluation of Employee Serving Probationary Period for Police Captain re: Joseph Kirby
7		Dated:	9/13/99
8		Name of Author or Maker:	
9		Address, City, State & Zip:	
10	31.	Name or Description of Document:	Tacoma Police Department Intra-Departmental Memo from Joseph Kirby re: 4 th Month Probation Report Rebuttal with attachments.
11		Dated:	9/21/99
12		Name of Author or Maker:	
13		Address, City, State & Zip:	
14		Telephone:	
15	32.	Name or Description of Document:	City of Tacoma Probationary Review Record - Evaluation of Employee Serving Probationary Period for Police Captain re: Joseph Kirby with attached memo to file concerning Temporary Captain Kirby's performance, dated 11/9/99.
16		Dated:	2/17/00
17		Name of Author or Maker:	
18		Address, City, State & Zip:	
19		Telephone:	
20	33.	Name or Description of Document:	Independent Medical Examination Report by H. Berryman Edwards, M.D. re: Joseph Kirby for 8/28/97 injury
21		Dated:	4/30/99
22		Name of Author or Maker:	
23		Address, City, State & Zip:	
24		Telephone:	
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1	34.	Name or Description of Document:	Independent Medical Examination Report by H. Berryman Edwards, M.D. re: Joseph Kirby for 8/28/97 injury
2		Dated:	12/9/99
3		Name of Author or Maker:	
4		Address, City, State & Zip:	
5		Telephone:	
6	34A.	Name or Description of Document:	Letter from H. Berryman Edwards, M.D. to Andrew Michels re Joseph Kirby
7		Dated:	1/26/00
8		Name of Author or Maker:	
9		Address, City, State & Zip:	
10	35.	Name or Description of Document:	Tacoma Police Department Intra-Departmental Memo to all personnel from James O. Hairston, Chief of Police, re: Pending Litigation, <i>Kirby v. City of Tacoma, et al.</i>
11		Dated:	1/24/00
12		Name of Author or Maker:	
13		Address, City, State & Zip:	
14		Telephone:	
15	36.	Name or Description of Document:	Message from Joseph Kirby to Mike Darland re: Notification of Misconduct of Captain William Meeks
16		Dated:	11/28/01
17		Name of Author or Maker:	
18		Address, City, State & Zip:	
19		Telephone:	
20	37.	Name or Description of Document:	Bureau Level Investigation of Joseph Kirby from complaint by Peter Laney from incident on 6/3/02
21		Dated:	6/3/02 to 8/2/02
22		Name of Author or Maker:	
23		Address, City, State & Zip:	
24		Telephone:	
25	38.	Name or Description of Document:	Interoffice Memo from Joseph Kirby to Bob Blystone and Dave Brame re: Memo for Record - Written Protest
		Dated:	8/26/97
		Name of Author or Maker:	
		Address, City, State & Zip:	
		Telephone:	

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1	39.	Name or Description of Document:	Interoffice Memo from Joseph Kirby to Chief Arreola re: ULP Meeting - Necessity for Rescheduling 5/5/98
2		Dated:	
3		Name of Author or Maker:	
4		Address, City, State & Zip:	
		Telephone:	
5	40.	Name or Description of Document:	Interoffice Memo from Ray Roberts to Paul Mielbrecht re: Lt. Kirby 8/4/98
6		Dated:	
7		Name of Author or Maker:	
8		Address, City, State & Zip:	
		Telephone:	
9	41.	Name or Description of Document:	Interoffice Memo from James Hairston to William Woodard re: Concern about Behavior in the Workplace (Lt. Joe Kirby) 8/4/98
10		Dated:	
11		Name of Author or Maker:	
12		Address, City, State & Zip:	
		Telephone:	
13	42.	Name or Description of Document:	Grievance of Lt. Joseph Kirby re: Violation of U.S. Constitution, Bill of Rights, Civil Rights Act submitted to Philip Arreola by Tacoma Police Union Local #6 8/5/98
14		Dated:	
15		Name of Author or Maker:	
16		Address, City, State & Zip:	
17		Telephone:	
18	43.	Name or Description of Document:	Tacoma Police Department Intra-De- partmental Memo to Philip Arreola from William Woodard re: Disciplinary Findings & Recommendations Lt. Joseph Kirby 8/14/98
19		Dated:	
20		Name of Author or Maker:	
21		Address, City, State & Zip:	
22		Telephone:	

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1	44.	Name or Description of Document:	Memo from Captain P. Mielbrecht to Asst Chief W. Woodard re: Conduct - Lt. J. Kirby
2		Dated:	8/17/98
3		Name of Author or Maker:	
4		Address, City, State & Zip:	
		Telephone:	
5	45.	Name or Description of Document:	Tacoma Police Department Intra-De- partmental Memo from William Woodard to Philip Arreola re: Findings and Recommendations: Harrison Range Incident - Lt. Joseph Kirby
6		Dated:	8/18/98
7		Name of Author or Maker:	
8		Address, City, State & Zip:	
9		Telephone:	
10	46.	Name or Description of Document:	Interoffice memo from Charles Meinema to David Brame re: Disparate Treatment
11		Dated:	5/4/99
12		Name of Author or Maker:	
13		Address, City, State & Zip:	
		Telephone:	
14	47.	Name or Description of Document:	Interoffice memo from David Brame to James Hairston re: Personnel Issue
15		Dated:	5/21/99
16		Name of Author or Maker:	
17		Address, City, State & Zip:	
		Telephone:	
18	48.	Name or Description of Document:	Tacoma Police Department Intra-De- partmental Memo from Ray Roberts to Joseph Kirby re: Documentation of Oral Reprimand, Insubordination & Unsatisfactory Performance
19		Dated:	11/3/99
20		Name of Author or Maker:	
21		Address, City, State & Zip:	
22		Telephone:	

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1	49.	Name or Description of Document:	Electronic mail re: Internal Affairs #00-02-019 of Joseph Kirby re: Delivery of Awards to Jolin Lowry conducted by Lt. Howatson
2		Dated:	2/22 and 2/23/00
3		Name of Author or Maker:	
4		Address, City, State & Zip:	
5		Telephone:	
6	50.	Name or Description of Document:	News Tribune article, "Tacoma officials go online on city time",
7		Dated:	3/13/00
8		Name of Author or Maker:	
9		Address, City, State & Zip:	
10		Telephone:	
11	51.	Name or Description of Document:	Interview of Lt. Joseph Kirby by Lt. Howatson & Sgt. Yuhasz re: I/A #00-02-1019 re: Delivery of Awards to Jolin Lowry
12		Dated:	3/15/00
13		Name of Author or Maker:	
14		Address, City, State & Zip:	
15		Telephone:	
16	52.	Name or Description of Document:	Electronic mail from James Howatson to Joseph Kirby re: completion of I/A #00-02-019 Delivery of Awards to Jolin Lowry
17		Dated:	3/31/00
18		Name of Author or Maker:	
19		Address, City, State & Zip:	
20		Telephone:	
21	53.	Name or Description of Document:	Tacoma Police Department Intra-Departmental Memo from Joseph Kirby to James Hairston re: Notice of Malicious and Wanton Disparate Treatment and Harassment
22		Dated:	4/20/00
23		Name of Author or Maker:	
24		Address, City, State & Zip:	
25		Telephone:	

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1	54.	Name or Description of Document:	I/A #00-02-019 Delivery of Awards to Jolin Lowry investigation file concluding "finding not sustained" by Michael Darland and sent to Joseph Kirby
2		Dated:	4/26/00
3		Name of Author or Maker:	
4		Address, City, State & Zip:	
5		Telephone:	
6	55.	Name or Description of Document:	Tacoma Police Department Investigation of Release of Investigative Reports to the Media by Joseph Kirby; closed by Michael Darland and sent to Joseph Kirby.
7		Dated:	9/1/00
8		Name of Author or Maker:	
9		Address, City, State & Zip:	
10		Telephone:	
11	56.	Name or Description of Document:	Electronic mail from Mike Darland to Charles Meinema and Joseph Kirby
12		Dated:	3/13/01
13		Name of Author or Maker:	
14		Address, City, State & Zip:	
15		Telephone:	
16	57.	Name or Description of Document:	Investigation for charges of insubordination and unsatisfactory performance of Joseph Kirby re: drawing post on the whiteboard.
17		Dated:	9/01 to 5/30/02
18		Name of Author or Maker:	
19		Address, City, State & Zip:	
20		Telephone:	
21	58.	Name or Description of Document:	A Strategic Plan for the City of Tacoma Police Department prepared by Carroll Buracker & Associates, Inc.
22		Dated:	5/24/01
23		Name of Author or Maker:	
24		Address, City, State & Zip:	
25		Telephone:	

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1	59.	Name or Description of Document:	Tacoma Police Department, Organizational Structure from A Strategic Plan for the City of Tacoma Police Department
2		Dated:	5/24/01
3		Name of Author or Maker:	
4		Address, City, State & Zip:	
5		Telephone:	
6	60.	Name or Description of Document:	Tacoma Police Department Performance Audit Assessment Team Final Report to the City Council
7		Dated:	1/29/02
8		Name of Author or Maker:	
9		Address, City, State & Zip:	
10	61.	Name or Description of Document:	History of the Tacoma Police Department by Officer Erik Timothy from 1885 to 1990's.
11		Dated:	
12		Name of Author or Maker:	
13		Address, City, State & Zip:	
14		Telephone:	
15	62.	Name or Description of Document:	Lost Officers "Gone but not forgotten" of the Tacoma Police Department from 1892 to 1997
16		Dated:	
17		Name of Author or Maker:	
18		Address, City, State & Zip:	
19		Telephone:	
20	63.	Name or Description of Document:	Tacoma Police Department directories/organizational charts
21		Dated:	
22		Name of Author or Maker:	
23		Address, City, State & Zip:	
24		Telephone:	
25	64.	Name or Description of Document:	Memo from Captain Mielbrecht to Assistant Chief Meinema re: Lt. J. Kirby Inquiry
		Dated:	9/26/97
		Name of Author or Maker:	
		Address, City, State & Zip:	
		Telephone:	


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1 2 3 4	65.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone:	Medical records 9/15/98-1/3/00 Philip G. Lindsay, M.D. 1101 Madison St. #1260, Seattle, WA 98104 206 622-5454
5 6 7 8	66.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone: Total Money Sum:	Medical bill 9/15/98-1/3/00 Philip G. Lindsay, M.D. 1101 Madison St. #1260, Seattle, WA 98104 206 622-5454 \$1,675.00
9 10 11 12	67.	Name or Description of Document: Dated: Name of Author or Maker: Address, City, State & Zip: Telephone: Total Money Sum:	Fitness for Duty Evaluation of Joseph Kirby 9/10/98 to 2/21/99 Gary Henriksen, M.D.

13 DATED this 2 day of January 2003.

14 MESSINA BULZOMI

15 By 
16 JOHN L. MESSINA 4440
17 Attorneys for Plaintiffs

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