

99-2-13911-4 18239876 AF 01-06-03

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

FILED
IN COUNTY CLERK'S OFFICE

A.M. JAN 6 - 2003 P.M.

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

v.

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.

No. 99-2-13911-4

AFFIDAVIT OF SHELLEY M.
KERSLAKE IN SUPPORT OF
DEFENDANTS' REPLY
MEMORANDUM FOR PARTIAL
SUMMARY JUDGMENT
REGARDING PLAINTIFF'S
CLAIM OF RETALIATION FOR
PROTECTED UNION ACTIVITY

NOTED FOR:
January 10, 2003

ASSIGNED:
Judge Katherine M. Stolz


ORIGINAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

these issues are material to defending a public employee's First Amendment claim. Defendants did not have the opportunity to conduct this necessary discovery.

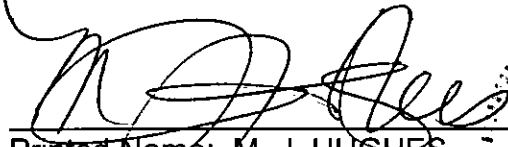
6. After exploring the above issue, it is likely that additional witnesses would have been identified to rebut these contentions, and many more depositions would have been taken. Because plaintiff did not plead a First Amendment claim, none of the appropriate discovery was done, and the defendants are extremely prejudiced and unable to mount an adequate defense.

FURTHER YOUR AFFIANT SAYETH NAUGHT.



SHELLEY M. KERSLAKE

SUBSCRIBED and SWORN to before me this 6th day of January, 2003.



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

