

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH JEROME WILBUR, a Washington resident; JEREMIAH RAY MOON, a Washington resident; and ANGELA MARIE MONTAGUE, a Washington resident, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

CITY OF MOUNT VERNON, a Washington municipal corporation; and CITY OF BURLINGTON, a Washington municipal corporation,

Defendants.

No. 2:11-cv-01100-RSL

DEFENDANT CITIES OF MOUNT VERNON AND BURLINGTON'S PRETRIAL STATEMENT

Defendants, the Cities of Mount Vernon and Burlington ("the Cities"), respectfully respond to Plaintiffs' Pretrial Statement pursuant to LCR 16 and the Court's Order Setting Trial Date and Related Dates.

I. OBJECTIONS AND ALTERATIONS TO PLAINTIFFS' PROPOSED JURISDICTIONAL STATEMENT AND ADMITTED FACTS

The Cities have no objection to plaintiffs' proposed jurisdictional statement.

The Cities respond to plaintiffs' proposed admitted facts as follows:

1. Objection. Argumentative; not a "fact," but a legal conclusion.
2. No objection.

- 1 3. Objection only to the extent that anything is implied by the timing of the
- 2 assignments. There is evidence that OAC assumed attorney-client relationships
- 3 prematurely.
- 4 4. No objection.
- 5 5. No objection.
- 6 6. No objection.
- 7 7. Objection. Argumentative; irrelevant.
- 8 8. Objection. Argumentative; irrelevant.
- 9 9. Objection. Argumentative; irrelevant.
- 10 10. Objection. Argumentative; irrelevant.
- 11 11. No objection.
- 12 12. Objection. Argumentative; duplicative of No. 11; mischaracterizes.
- 13 13. Objection. Argumentative; hearsay; irrelevant.
- 14 14. Objection. Argumentative; hearsay; irrelevant; mischaracterizes.
- 15 15. Objection. Argumentative; hearsay; irrelevant; mischaracterizes.
- 16 16. No objection.
- 17 17. No objection.
- 18 18. Objection. Argumentative; mischaracterizes.
- 19 19. Objection. Argumentative; mischaracterizes.
- 20 20. Objection. Argumentative; mischaracterizes.

21 In addition, the Cities would propose the following undisputed facts:

- 22 1. Richard Sybrandy has never had a case reversed for ineffective assistance, nor has
- 23 he ever been disciplined by the bar association.
- 24 2. Morgan Witt has never had a case reversed for ineffective assistance, nor has he
- 25 ever been disciplined by the bar association.
- 26 3. The public defense services contract entered into by Mr. Sybrandy and Mr. Witt
- 27 gave them no monetary incentive to accept more cases than indicated.

- 1 4. Mr. Sybrandy and Mr. Witt never advised the Cities that they were too busy to
2 provide constitutional defense for indigent clients.
- 3 5. Nobody with formal training in legal practice ever expressed dissatisfaction to the
4 Cities about Sybrandy and Witt's work prior to this lawsuit.
- 5 6. When Mr. Sybrandy and Mr. Witt were handling public defense, they handled more
6 trials, on average, than private defense counsel.
- 7 7. Mountain Law is an entity formed by attorneys from the law firm of Baker, Lewis,
8 Laws & Schwisow to provide public defense services for the Cities.
- 9 8. No Mountain Law attorney has ever had a case reversed for ineffective assistance or
10 been disciplined by the bar association.
- 11 9. Mountain Law is currently certifying compliance with the Supreme Court standards.
- 12 10. Presently, each of the Mountain Law attorneys is on track to handle 400 cases or
13 less for the year 2013.
- 14 11. Mountain Law conducts more trials, on average, than private defense counsel.
- 15 12. No Mountain Law client has ever been subject to adverse immigration
16 consequences due to lawyer error.
- 17 13. No Mountain Law client has ever been subject to an adverse sentence due to lawyer
18 error.
- 19 14. No Mountain Law client has ever been subject to an adverse verdict due to lawyer
20 error.
- 21 15. No Mountain Law client has ever been pled guilty to something he or she did not do
22 due to lawyer error.
- 23 16. The Cities' contract administrators regularly speak with Mountain Law about its
24 public defense work.
- 25 17. The Cities' contract administrators regularly review Mountain Law's case reports
26 and workload.
- 27

1 18. The Cities' contract administrators regularly solicit input about Mountain Law from
2 public defense stakeholders, including judges, prosecutors, and court staff.

3 19. The Cities furnish a written complaint form and statement of rights to people who
4 are appointed a public defender.

5 20. There have been no written complaints about Mountain Law since September 2012,
6 when declarations were filed in this Court.

7 8 **II. AFFIRMATIVE DEFENSES**

9 At trial, the Cities intend to pursue the following affirmative defenses:

- 10 1. Adequate remedy at law / Failure to exhaust -- The plaintiff class has various
11 remedies available to them in lieu of an injunction, including filing a written
12 complaint or securing conflict counsel, in addition to appeal and civil rights.
- 13 2. Comparative fault / Mitigation of damages -- The evidence will show that the public
14 defenders are available to meet and advise clients wishing to meet with them. It will
15 further show that this offer of availability was rebuffed by virtually all of the
16 complainants.

17 18 **III. OBJECTIONS AND ALTERATIONS TO PLAINTIFFS' PROPOSED STATEMENT OF LEGAL ISSUES**

19 The Cities do not disagree with plaintiffs' statements of law in the abstract, but it is
20 oversimplified. The Cities would frame the legal issues as follows:

- 21 1. Did Messrs. Sybrandy and Witt systematically fail to represent indigent clients
22 consistent with a constitutional standard?
- 23 2. Were Messrs. Sybrandy and Witt's systemic failures a direct and predictable result
24 of:
- 25 a. deliberate funding, contracting, and monitoring decisions by the Cities; or
26 b. known to the Cities, who made a conscious decision to ignore it?

- 1 3. Do the Mountain Law attorneys systematically fail to represent indigent clients
2 consistent with a constitutional standard?
3
4 4. Are the Mountain Law attorneys' systemic failures a direct and predictable result of:
5 a. deliberate funding, contracting, and monitoring decisions by the Cities; or
6 b. known to the Cities, who made a conscious decision to ignore it?
7
8 5. Does the Plaintiff Class have an adequate remedy at law?
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10 6. In the absence of extraordinary relief, will the Plaintiff Class members suffer
11 irreparable harm?
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14 IV. WITNESSES

15 1. **Jon Aarstad – May testify**

16 17333 Peterson Road, Burlington, WA 98233

17 Will testify about his knowledge, impressions, and experiences as a contract
18 administrator for the public defense attorneys. He will also rebut plaintiffs'
19 testimony.

20 2. **Bryan Harrison – Will testify**

21 833 South Spruce Street, Burlington, WA 98233, 360-755-0531

22 Will testify about his knowledge, impressions, and experiences as a contract
23 administrator for the public defense attorneys. Will also testify about the recent
24 overhaul—including the new legislation, RFQ and bidding process, evaluations,
25 new contracts, complaint process, and effect of the Supreme Court standards. He
26 will also rebut plaintiffs' testimony.

27 3. **Eric Stendal – Will testify**

910 Cleveland Ave., Mount Vernon, WA 98273, 360-336-6211

Will testify about his knowledge, impressions, and experiences as a contract
administrator for the public defense attorneys. Will also testify about the recent
overhaul—including the new legislation, RFQ and bidding process, evaluations,
new contracts, complaint process, and effect of the Supreme Court standards. He
will also rebut plaintiffs' testimony.

4. **Roy Howson – May testify**

Address known to plaintiffs

May testify about the standard of care, as well as and the role and context of
complaints in public defense work.

5. **Michael Laws – Will testify**

1 2114 Riverside Drive, Suite 206, Mount Vernon, WA 98273, 360-336-0828
2 Will testify about all aspects of Mountain Law's work as the Cities' public defender,
3 as well as the bidding process and the Cities' involvement in public defense. He
4 will also rebut plaintiffs' testimony.

5 **6. Sade Smith – Will testify**

6 2114 Riverside Drive, Suite 206, Mount Vernon, WA 98273, 360-336-0828
7 May testify about all aspects of Mountain Law's work as the Cities' public
8 defender, as well as the bidding process and the Cities' involvement in public
9 defense. She will also rebut plaintiffs' testimony.

10 **7. Jesse Collins – Will testify**

11 2114 Riverside Drive, Suite 206, Mount Vernon, WA 98273, 360-336-0828
12 Will testify about all aspects of Mountain Law's work as the Cities' public defender,
13 as well as the bidding process and the Cities' involvement in public defense. He
14 will also rebut plaintiffs' testimony.

15 **8. Stacy DeMass – Will testify**

16 2114 Riverside Drive, Suite 206, Mount Vernon, WA 98273, 360-336-0828
17 Will testify about all aspects of Mountain Law's work as the Cities' public defender,
18 as well as the bidding process and the Cities' involvement in public defense. He
19 will also rebut plaintiffs' testimony.

20 **9. Richard Sybrandy – Will testify**

21 Contact information known to plaintiffs
22 Will testify about all aspects of his work with Mr. Witt as the Cities' public
23 defender, and rebut plaintiffs' testimony.

24 **10. Morgan Witt – Will testify**

25 Contact information known to plaintiffs
26 Will testify about all aspects of his work with Mr. Sybrandy as the Cities' public
27 defender, and rebut plaintiffs' testimony.

11. Maria Van De Grift – May testify

910 Cleveland Ave., Mount Vernon, WA 98273, 360-336-6211
May testify about her role and impressions as the indigence screener, including
furnishing the new complaint form and statement of rights to newly-appointed
public defense clients.

12. John Ladenburg – Will testify

705 S. 9th Street, Suite 305, Tacoma, WA 98405, 253-272-5226

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Will testify to the opinions expressed in his expert report, deposition, and declaration—including the public defense and monitoring standards, as well as the role of case load numbers in misdemeanor practice. May also rebut plaintiffs' case.

13. James Feldman – Will testify

19303 44th Avenue West, Lynnwood, WA 98036, 206-817-7353
Will testify to the opinions expressed in his expert report, deposition, and declaration—including the public defense and monitoring standards, as well as the role of case load numbers in misdemeanor practice. May also rebut plaintiffs' case.

14. Craig Cammock – Will testify

227 Freeway Drive, Suite B, Mount Vernon, WA 98273, 360-336-1000
Will testify to his experiences, impressions, and opinions pertaining to public defense, formed while prosecutor for the City of Burlington. This may include testimony about the public defenders' clients, cases, caseloads, effectiveness, funding, resolutions, negotiations, and overall concern for their clients. May also offer testimony about the nature of public defense work in a smaller jurisdiction and rebut plaintiffs' testimony.

15. Patrick Eason – Will testify

1229 Cleveland Avenue, Mount Vernon, WA 98273, 360-336-2221
Will testify to his experiences, impressions, and opinions pertaining to public defense, formed while prosecutor for the City of Burlington. This may include testimony about the public defenders' clients, cases, caseloads, effectiveness, funding, resolutions, negotiations, and overall concern for their clients. May also offer testimony about the nature of public defense work in a smaller jurisdiction and rebut plaintiffs' testimony.

16. Patrick Hayden – Will testify

109 Warner Street, Sedro-Woolley, WA 98284, 360-855-1811
Will testify about his work to overhaul it—including the new legislation, RFQ and bidding process, and evaluations of the interested firms. May also offer testimony about the nature of public defense work in a smaller jurisdiction.

17. Hon. David Svaren – Will testify

600 S 3rd St, Mt Vernon, WA 98273, 360-336-9319
Will testify about his impressions from the bench while overseeing the public defenders work. Will testify to the exceedingly strong emphasis placed upon, and protections for, the constitutional rights of indigent defendants. May also rebut plaintiffs' testimony.

18. Hon. Warren Gilbert – Will testify

600 S 3rd St, Mt Vernon, WA 98273, 360-336-9319

1 Will testify about his impressions from the bench while overseeing the public
2 defenders work. Will testify to the exceedingly strong emphasis placed upon, and
3 protections for, the constitutional rights of indigent defendants. May also rebut
4 plaintiffs' testimony.

4 **19. Hon. Linford Smith – Will testify**

5 600 S 3rd St, Mt Vernon, WA 98273, 360-336-9319

6 Will testify about his impressions from the bench while overseeing the public
7 defenders work. Will testify to the exceedingly strong emphasis placed upon, and
8 protections for, the constitutional rights of indigent defendants. May also rebut
9 plaintiffs' testimony.

8 **20. Hon. Dianne Goddard – May testify**

9 600 S 3rd St, Mt Vernon, WA 98273, 360-336-9319

10 Will testify about his impressions from the bench while overseeing the public
11 defenders work. Will testify to the exceedingly strong emphasis placed upon, and
12 protections for, the constitutional rights of indigent defendants. May also rebut
13 plaintiffs' testimony.

12 **21. W. Scott Snyder – Will testify**

13 901 5th Ave #3500, Seattle, WA 98164, 206-447-7000

14 Will testify about his analysis of the prior public defense system and work to
15 overhaul it—including the new legislation, RFQ and bidding process, evaluations,
16 new contracts, complaint process, and effect of the Supreme Court standards. May
17 also rebut plaintiffs' testimony.

17 **22. Christine Baker – May testify**

18 1712 Pacific Avenue, Ste. 204, Everett WA 98201, 425-512-9731.

19 May testify to her knowledge of the Mountain Law contract and their work pursuant
20 to it, the bidding process, and the Cities' overall efforts to ensure quality public
21 defense. May also rebut plaintiffs' testimony.

21 **23. Jonathan Lewis – Will testify**

22 1712 Pacific Avenue, Ste. 204, Everett WA 98201, 425-512-9731.

23 May testify to her knowledge of the Mountain Law contract and their work pursuant
24 to it, the bidding process, and the Cities' overall efforts to ensure quality public
25 defense. May also rebut plaintiffs' testimony.

25 **24. Ken Bergsma – May testify**

26 Chief of Police, Mount Vernon, Washington.

27 May testify to his interactions with the public defender, their zealous advocacy, and
the effect of the Cities' diversion programs and reduced number of cases. May also
rebut plaintiffs' testimony.

1 **25. Bill Van Wieringen – May testify**

2 Chief of Police, Burlington, Washington.

3 May testify to his interactions with the public defender, their zealous advocacy, and
4 the effect of the Cities' diversion programs and reduced number of cases. May also
5 rebut plaintiffs' testimony.

6 **26. Pam Springer – May testify**

7 205 W Kincaid St, Mount Vernon, WA 98273-4225, 360-336-9319

8 May testify about her experiences and impressions of public defense work as Skagit
9 County court administrator.

10 **V. DEFENDANTS' EXHIBIT LIST**

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	Date	Description	Admissibility stipulated	Authenticity stipulated/ admissibility disputed	Authenticity & admissibility disputed
501	10/2/12	Jacob Norman Criminal Hearing Transcript and Audio			
502		Steve Osborn Criminal Hearing Transcript and Audio			
503		Rose Martineau Criminal Hearing Audio			
504	10/5/12	Declaration of Andrew G. Cooley re Indigent Declarations, Dkt. 215			
505	2/27/13	Letter from Craig Cammock to City re Compensation			
506		Leirha Marlen Gonzales-Rodriguez Case File			
507	4/8/13	Washington Supreme Court Order No. 25700-A-1016 re Standards for Indigent Defense Implementation			
508	12/15/11	Addendum to Contract for Public Defense Services [Sybrandy & Witt]			
509	5/8/11	Angela Montague Certificate of			

		Probable Cause [K11-004652]			
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2	510	12/8/09	Declaration of Pat Eason re Montague Probable Cause		
3	511	4/24/09	Angela Montague Citation - Theft 3		
4	512	6/21/11	Angela Montague - Agreed Order of Temporary Release		
5	513		Angela Montague Notice of Case Setting		
6	514	6/15/11	Angela Montague Agreed Motion to Amend Sentence		
7	515	6/12/11	Angela Montague Kite		
8	516	6/6/11	Angela Montague Note for Motion		
9	517	6/1/11	Angela Montague Denial of Home Monitoring		
10	518	5/24/11	Angela Montague Kite		
11	519	6/3/11	Angela Montague Sentencing		
12	520	5/24/11	Angela Montague Order for Release		
13	521	5/24/11	Angela Montague Ignition Interlock Rules		
14	522	7/21/09	Mount Vernon PD Property Report - Montague		
15	523	5/26/09	Pawn X-Change Inventory - Montague		
16	524		Pawn X-Change Notice of Property Seizure - Montague		
17	525	10/28/09	Angela Montague Mt. Vernon PD Report re 09-M12194		
18	526	5/13/11	Angela Montague Criminal Transcript - Kitsap County [11 1 00361 1]		
19	527	5/13/11	Angela Montague Guilty Plea [No. 11 1 00361 1]		
20	528	9/22/11	Angela Montague Interrogatory Answers		
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1	529	5/12/11	Angela Montague Kitsap County Information [No. 11 1 00361 1]			
2	530	12/1/08	Angela Montague Notice of Appearance			
3	531	1/7/09	Angela Montague Notice to Appear			
4	532	10/13/08	Angela Montague Warrant of Arrest [DUI]			
5	533	2/17/12	BLSL PLLC - Summary Report of New Cases [2011]			
6	534	6/26/12	Bryan Harrison Email re Caseload Statistics and Reports			
7	535	3/2/12	Bryan Harrison email to Pat Hayden re Public Defense RFP Process			
8	536	1/17/12	Bryan Harrison email to Snohomish County Bar re Public Defense RFP			
9	537	1/17/12	Bryan Harrison email to Whatcom County Bar re Public Defense RFP			
10	538	1/17/12	Bryan Harrison email to WSBA re Public Defense RFP			
11	539	10/16/12	Audio Hearing from BUC10281			
12	540	7/17/12	Audio Hearing from BC14729			
13	541	12/13/12	Burlington Budget Materials – Misdemeanor Diversion Program [Resolution no. 29- 2012]			
14	542	1/1/12- 1/31/12	Burlington Case Counts January 2013 – Jesse G. Collins			
15	543	2012	Burlington Court Preliminary Budget 2012			
16	544	2013	Burlington Judicial Budget 2013			
17	545	2013	Burlington Legal Budget 2013			
18	546	2013	Burlington Legislative Budget			

		2013			
1	547	11/8/12	Burlington November 8 2012 Preliminary Budget Workshop Info		
2					
3	548	11/20/12	Burlington November 20 2012 Preliminary Budget Info for Workshop		
4					
5	549	10/18/12	Burlington October 18, 2012 Preliminary Budget Council Workshop		
6					
7	550	3/30/10	Burlington Police Incident - Joseph Jerome Wilbur [10-B01024]		
8					
9	551	8/8/12	Burlington Police Incident - Carlos Aguilar [12-B04955]		
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11	552	8/9/12	Burlington Police Incident - Carlos Aguilar, Sr. [12-B04955]		
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13	553	11/12/08	Burlington Police Incident - Joseph Jerome Wilbur [08-B08885]		
14					
15	554	12/31/09	Burlington Police Incident - Joseph Jerome Wilbur [09-B06417]		
16					
17	555	3/25/10	Burlington Police Incident - Joseph Jerome Wilbur [10-B02211]		
18					
19	556	2013	Burlington Preliminary Budget 2013		
20					
21	557	12/13/12	Burlington Resolution re Misdemeanor Diversion [29-2012]		
22					
23	558	11/15/12	Burlington Resolution re Public Defense Standards [27-2012]		
24					
25	559	9/20/12	Carlos Aguilar - Mount Vernon Municipal Court Docket		
26	560	6/7/10	Carlos Aguilar [DUI - MC23238]		
27	561	9/20/12	Carlos Aguilar Case History		
	562		Carlos Aguilar		

1			Prosecutor Discovery - Demand For Disclosure			
2	563	8/14/12	Carlos Aguilar Sentencing Recommendation			
3						
4	564	8/8/12	Carlos Aguilar Notice of Appearance [2Z0000956]			
5	565		Christine Jackson Caseload History			
6	566		Christine Jackson Seattle TDA PD Audit			
7						
8	567	2000	City of Burlington Notice of Call for Bids - 2001-02			
9	568	2004	City of Burlington Request for Proposals - 2005-06			
10						
11	569	11/28/12	City of Mount Vernon Recommended Action Memorandum re Contract for Indigent Defense [November 28, 2012]			
12						
13						
14	570	1/21/11	Council on Public Defense Draft Minutes [January 21, 2011]			
15						
16	571	12/2012	December 2012 Mount Vernon Case Credit Report			
17						
18	572	12/2012	December 2012 Mount Vernon Case Withdrawn Report			
19						
20	573	12/2012	December 2012 Mount Vernon Invoice			
21	574	12/2011	December 2011 Summary of Cases - Richard M. Sybrandy [June 6, 2012]			
22						
23	575	11/2/12	Doerner Certification of Compliance with Standards			
24						
25	576	4/5/12	Email from Mountain Law to Cities re Reporting Software [April 5, 2012]			
26						
27	577	6/14/11	Email from Office of Public Defense re Supreme Court			

		Comment Period			
1	578	11/29/10	Emails between Letty Alvarez and Robert Boruchowitz		
2	579	7/2/12	Emails between Michael Laws and Skagit County re Contacting In-Custody Clients [Cont.]		
3	580		Eric Stendal Email re Complaint Documents - Court Web Page		
4	581	9/20/12	Eric Stendal Email re Public Defender Complaint Forms		
5	582	2/2013	February 2013 Invoice to Mount Vernon		
6	583		Feldman Time Study A4DV		
7	584		Feldman Time Study Crim Tress 2		
8	585		Feldman Time Study DUI		
9	586		Feldman Time Study DWLS		
10	587		Feldman Time Study Ignition Interlock		
11	588		Feldman Time Study MIP		
12	589		Feldman Time Study MM3		
13	590		Feldman Time Study Obstruction		
14	591		Feldman Time Study PDP		
15	592		Feldman Time Study PSP		
16	593		Feldman Time Study Theft 3		
17	594		Feldman Time Study UIBC		
18	595		Feldman Time Study VNCO		
19	596	2008	RFP for Public Defense [2008]		
20	597	4/13/06	Grievance Against Christine Jackson		
21	598	3/13/12	Hackenburg RFP Notes [March 13, 2012]		
22	599	3/12/12	Hackenburg		

1			Supplemental Response to RFP [March 12, 2012]			
2	600	10/29/12	In Custody Response Assessment Profile [Thomas Wilson]			
3	601	2011- 2013	Indigent Defense Costs 2011 to 1st quarter 2013			
4	602	4/26/13	Indigent Defense Recruitment Notes [April 26, 2012]			
5	603	12/23/08	Interlocal Cooperative Agreement re Screening			
6	604	1/2013	Invoice to Mount Vernon – January 2013			
7	605	3/2013	Invoice to Mount Vernon – March 2013			
8	606	3/10/12	Jacob Norman Criminal Case - Theft			
9	607		Jacob Norman Case History			
10	608	10/5/12	Jacob Norman Hearing Transcript			
11	609	12/20/11	James Feldman Recommendation and Report re Criteria for Public Defender Services [December 20, 2011]			
12	610	1/2013	Burlington January 2013 Preliminary Expenditure			
13	611	1/2013	January 2013 Case Counts PDF – Burlington			
14	612	7/10/10	Jeremiah Ray Moon [DWLS Whatcom County]			
15	613	11/8/2010	Jeremiah Ray Moon [Vehicle Prowling Citation - MC25357]			
16	614	11/8/2010	Jeremiah Ray Moon Case Docket [Vehicle Prowling]			
17	615		Jeremiah Ray Moon Criminal File [MC0025866]			
18	616	9/28/12	Jesse Collins Certification of Compliance with			

		Supreme Court Standards			
1	617	1/10/12	Jon Lewis Email re Legal expenses for Mountain Law		
2	618	6/21/11	Joseph Jerome Wilbur Criminal File [BUC005013]		
3	619	9/22/11	Joseph Jerome Wilbur Interrogatory Answers		
4	620	6/13/11	Joseph Jerome Wilbur Motion for Substitution		
5	621	6/21/11	Joseph Jerome Wilbur Notice of Hearing Date [BUC 12231]		
6	622	6/21/11	Joseph Jerome Wilbur Notice of Hearing Date [BUC 13018]		
7	623	1/31/11	Joseph Jerome Wilbur Probable Cause Affidavit		
8	624	10/24/11	Joseph Jerome Wilbur Requests for Admission Response		
9	625	7/7/11	Joseph Jerome Wilbur Warrant of Arrest [SC0012170]		
10	626	1/2/11	Judge Svaren Email re Public Defense Standards Compliance Certificates		
11	627	8/4/11	July 2011 Case Reports - Morgan M. Witt [August 4, 2011]		
12	628	12/17/12	Letter from Bryan Harrison to Toby Marshall re Declarations		
13	629	3/14/12	Letter from Eric Stendal to Morgan Witt re Luis Vaquez Complaint [March 14, 2012]		
14	630	7/1/10	Letter from Eric Stendal to Richard Sybrandy re Theodore Griffith Complaint		
15	631	12/8/12	Letter from Eric		

1			Stendal to Toby Marshall re Declarations			
2	632	10/28/10	Letter from Morgan Witt to Eric Stendal re Brian Cooper Complaint			
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4	633	11/2/10	Letter from Morgan Witt to Eric Stendal re Carrasco-Mota Complaint			
5						
6	634	5/2/12	Letter from Pat Eason to Kevin Rogerson re Contract			
7						
8	635	12/7/12	Maria Van De Grift Bill to Cities			
9	636	11/12/07	Mark Reyna Case File			
10	637	5/22/12	Mark Reyna Prosecutor Notes			
11	638	8/2/07	Memorandum from Keith Tyne to Pam Springer re Public Defender Calendar [August 2, 2007]			
12						
13	639	9/28/12	Michael Laws Certification of Supreme Court Standards			
14						
15	640	4/6/12	Michael Laws Email re Division of Labor [April 6, 2012]			
16						
17	641	6/1/12	Michael Laws Email re Mountain Law Software			
18						
19	642		Michael Laws Email re Telephone Contact			
20	643	6/8/12	Michael Laws Email to Skagit County re Contacting In-Custody Clients [June 8, 2012]			
21						
22	644	8/2009	Morgan Witt Case Credit Reports [August 2009]			
23						
24	645	4/2011	Morgan Witt Case Report [April 2011]			
25	646	8/2010	Morgan Witt Case Report [August 2010]			
26	647	12/2009	Morgan Witt Case Report [December 2009]			
27	648	6/2011	Morgan Witt Case			

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		Report [June 2011]			
649	3/2010	Morgan Witt Case Report [March 2010]			
650	3/2011	Morgan Witt Case Report [March 2011]			
651	5/2009	Morgan Witt Case Report [May 2009]			
652	11/2009	Morgan Witt Case Report [November 2009]			
653	10/2009	Morgan Witt Case Report [October 2009]			
654	4/2009	Morgan Witt Case Report [April 2009]			
655	4/2010	Morgan Witt Case Report [April 2010]			
656	8/2009	Morgan Witt Case Report [August 2009]			
657	12/2010	Morgan Witt Case Report [December 2010]			
658	12/2011	Morgan Witt Case Report [December 2011]			
659	2/2009	Morgan Witt Case Report [February 2009]			
660	2/2010	Morgan Witt Case Report [February 2010]			
661	2/2011	Morgan Witt Case Report [February 2011]			
662	1/2009	Morgan Witt Case Report [January 2009]			
663	1/2010	Morgan Witt Case Report [January 2010]			
664	7/2009	Morgan Witt Case Report [July 2009]			
665	7/2010	Morgan Witt Case Report [July 2010]			
666	7/2011	Morgan Witt Case Report [July 2011]			
667	6/2009	Morgan Witt Case Report [June 2009]			
668	6/2010	Morgan Witt Case Report [June 2010]			
669	5/2010	Morgan Witt Case Report [May 2010]			

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670	5/2011	Morgan Witt Case Report [May 2011]			
671	10/2010	Morgan Witt Case Report [October 2010]			
672	10/2011	Morgan Witt Case Report [October 2011]			
673	9/2009	Morgan Witt Case Report [September 2009]			
674	9/2010	Morgan Witt Case Report [September 2010]			
675	8/2010	Morgan Witt Case Reports [August 2010]			
676	3/31/2010	Morgan Witt Email to Mary Magunson re Defense			
677	2/5/09	Morgan Witt Emails to and from Jacob Waschke re Defense Representation			
678	1/6/11	Morgan Witt Emails to and from Siobhan Harris-Jones			
679	9/14/06	Morgan Witt Proposal Sheet re Costs [2007-08]			
680	2012	Mount Vernon 2012 Budget			
681		Mount Vernon 2013 Preliminary Budget			
682	11/28/12	Mount Vernon Agenda for November 28, 2012			
683	11/28/12	Mount Vernon Budget Materials			
684	11/28/12	Mount Vernon Council Memorandum for 2013 Budget			
685	11/28/12	Mount Vernon Council Minutes from November 28, 2012			
686	4/16/12	Mount Vernon DWLS Ordinance [3563]			
687	2013	Mount Vernon Non-Department Budget			
688		Mount Vernon Public Defender Complaint Form-English			

1	689		Mount Vernon Public Defender Complaint Form-Spanish			
2	690		Mount Vernon Public Defender You Have Important Rights-English			
3						
4	691	11/14/12	Mount Vernon Recommended Action re Public Defender Ordinance [November 14, 2012]			
5						
6	692	2013	Mount Vernon Summary of Mayor Adjustments			
7						
8	693	8/2012	Mountain Law Amended August 2012 Invoice			
9						
10	694	10/2012	Mountain Law 2012 October MTV Case Credit Report			
11						
12	695	10/2012	Mountain Law 2012 October MTV Case Withdrawn Report			
13						
14	696	8/2012	Mountain Law Amended AUGUST 2012 - Invoice			
15						
16	697	4/2012	Mountain Law April 2012 MVM Case Credit Report			
17						
18	698	8/2012	Mountain Law August 2012 Case Reports			
19						
20	699	8/2012	Mountain Law August Invoice - Mount Vernon			
21						
22	700	4/2012	Mountain Law Case Credit Report - April 2012			
23						
24	701	4/2012	Mountain Law Case Credit Report April 2012			
25						
26	702	8/2012	Mountain Law Case Credit Report Aug 2012			
27						
	703	8/2012	Mountain Law Case Credit Report Withdrawn Aug 2012			
	704	4/2012-6/2012	Mountain Law Case Credit Reports - April - June 2012			
	705	7/2012	Mountain Law Case Credit Reports for July 2012			

1	706	2012	Mountain Law Caseload Data 2012			
2	707	1/16/13	Mountain Law Caseload Statistics [January 16, 2013]			
3	708	6/26/12	Mountain Law Caseload Statistics and Reports [June 26, 2012]			
4						
5	709	7/19/12	Mountain Law Caseload Statistics and Reports			
6						
7	710	4/6/2012	Mountain Law Certificate of Liability Insurance			
8						
9	711	9/28/12	Mountain Law Certificates of Compliance with Supreme Court Standards			
10						
11	712	9/28/12	Mountain Law Certificates of Compliance with Supreme Court Standards [2]			
12						
13	713	12/2012	Mountain Law December 2012 Case Credit Reports [Mount Vernon]			
14						
15	714	12/2012	Mountain Law Emailing December 2012 Invoice to Mount Vernon			
16						
17	715	1/2011- 6/20/11	BLSL Friend of Court Statistical Report [January 1, 2011 - June 20, 2011]			
18						
19	716	7/2012	Mountain Law Invoice [Mount Vernon - July 2012]			
20						
21	717	6/2012	Mountain Law Invoice [Mount Vernon - June 2012]			
22						
23	718	11/2012	Mountain Law Invoice to Mount Vernon - November 2012			
24						
25	719	7/2012	Mountain Law July 2012 Case Credit Report - Withdrawn			
26						
27	720	7/2012	Mountain Law July 2012 Case Credit Report - Withdrawn			
	721	7/2012	Mountain Law July			

1			2012 Case Credit Report			
2	722	7/2012	Mountain Law July 2012 Reports [Mount Vernon]			
3	723	7/2012	Mountain Law July Invoice [Mount Vernon]			
4						
5	724	6/2012	Mountain Law June 2012 Burlington Case Credit Report			
6	725	6/2012	Mountain Law June 2012 Case Credit Report			
7						
8	726	6/2012	Mountain Law June 2012 Mount Vernon Case Credit Report			
9	727	5/2012	Mountain Law May 2012 Burlington Case Credit Report			
10						
11	728	5/2012	Mountain Law May 2012 Mount Vernon Case Credit Report			
12						
13	729	11/2012	Mountain Law November 2012 PDF Case Credit and Withdrawn Reports			
14						
15	730	11/2012	Mountain Law November 2012 Case Credit and Withdrawn Reports and Invoices [Mount Vernon]			
16						
17	731	10/2012	Mountain Law October 2012 Case Credit Reports [Mount Vernon]			
18						
19	732	10/2012	Mountain Law October 2012 Invoice [Mount Vernon]			
20						
21	733	10/2012	Mountain Law October 2012 Invoice [Mount Vernon]			
22						
23	734	10/2012	Mountain Law October 2012 Invoice [Mount Vernon]			
24						
25	735	10/2012	Mountain Law October 2012 Reports [Mount Vernon]			
26	736	2/22/12	Mountain Law Public Defender Qualifications [February 22, 2012]			
27	737		Mountain Law			

		References			
1	738	Mountain Law Resumes			
2	739	3/8/12 Mountain Law RFP Supplement re Monitoring Caseloads [March 8, 2012]			
3					
4	740	9/2012 Mountain Law September 2012 Case Credit Report [Mount Vernon]			
5					
6	741	9/2012 Mountain Law September 2012 Case Withdrawn Report [Mount Vernon]			
7					
8	742	9/2012 Mountain Law September 2012 Invoice [Mount Vernon]			
9					
10	743	2011-2013 MV Indigent Defense Costs 2011 to 1st quarter 2013			
11					
12	744	2/29/12 Ogden Murphy Wallace Invoices [February 29, 2012]			
13	745	4/8/13 OPD Time Study			
14	746	2/28/12 Patrick Hayden Invoice [February 28, 2012]			
15					
16	747	Public Defender Complaint Forms [English and Spanish]			
17	748	2013 Public Defender Information 2013 - Case Totals			
18					
19	749	Public Defender Rights Forms [English and Spanish]			
20	750	2001-2002 Public Defender Submittal Recap - 2001-02			
21					
22	751	1/9/13 Public Defender Web Page Email			
23	752	1/2/13 Public Defense Compliance Certification			
24	753	2010-2012 Public Defense Contract Amendment - Sybrandy and Witt 2010-12			
25					
26	754	6/15/05 Public Defense Contract Amendment Making Eric Stendal Administrator			
27					

1	755	1/2/13	Public Defense Standards Compliance Certificates Email			
2						
3	756	2003-2004	Public Notice of Call for Bids - 2003-04			
4	757	2005-2006	Public Notice of Request for Proposals - 2005-06			
5	758	3/22/12	Recommendation for Contract for Indigent Defense Services [May 1, 2012-December 31, 2013]			
6						
7						
8	759	1/17/12	Request for Proposal for Public Defender Services - Media Clipping			
9						
10	760	4/2012	Request for Proposal for Public Defense Services [April 2012]			
11						
12	761		RFP Matrix of Applicant Qualification Rankings			
13						
14	762		RFP Matrix re RFP Applicants			
15	763	4/2010-5/2010	Richard Sybrandy Case Reports [April-May 2010]			
16	764	12/2010	Richard Sybrandy Case Reports [December 2010]			
17						
18	765	2/2010	Richard Sybrandy Case Reports [February 2009]			
19	766	7/2010	Richard Sybrandy Case Reports [July 2010]			
20						
21	767	3/2009	Richard Sybrandy Case Reports [March 2009]			
22	768	4/2011-5/2011	Richard Sybrandy Case Reports [April-May 2011]			
23						
24	769	8/2010	Richard Sybrandy Case Reports [August 2010]			
25	770	12/2009	Richard Sybrandy Case Reports [December 2009]			
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27	771	12/2011	Richard Sybrandy Case Reports [December 2011]			

1	772	2/2011	Richard Sybrandy Case Reports [February 2011]			
2	773	1/2009	Richard Sybrandy Case Reports [January 2009]			
3	774	1/2010	Richard Sybrandy Case Reports [January 2010]			
4	775	1/2011	Richard Sybrandy Case Reports [January 2011]			
5	776	6/2011- 7/2011	Richard Sybrandy Case Reports [June - July 2011]			
6	777	6/2010	Richard Sybrandy Case Reports [June 2010]			
7	778	6/2011- 7/2011	Richard Sybrandy Case Reports [June- July 2011]			
8	779	3/2009	Richard Sybrandy Case Reports [March 2009]			
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10	781	3/2011	Richard Sybrandy Case Reports [March 2011]			
11	782	5/2010	Richard Sybrandy Case Reports [May 2010]			
12	783	10/2010	Richard Sybrandy Case Reports [October 2010]			
13	784	9/2010	Richard Sybrandy Case Reports [September 2010]			
14	785	10/2010	Richard Sybrandy Case Reports [October 2010]			
15	786		Rose Martineau Hearing			
16	787	2/2013	Mountain Law Invoice to Mount Vernon [February 2013]			
17	788	2/2013	Mountain Law Invoice to Burlington [February 2013]			
18	789	2/2013	Mountain Law Case Reports to Mount Vernon [February			

		2013]			
1	790	2/2013	Mountain Law Case Reports to Burlington [February 2013]		
2	791	3/2013	Mountain Law Invoice to Mount Vernon [March 2013]		
3	792	3/2013	Mountain Law Invoice to Burlington [March 2013]		
4	793	3/2013	Mountain Law Case Reports to Mount Vernon [March 2013]		
5	794	3/2013	Mountain Law Case Reports to Burlington [March 2013]		
6	795	4/2013	Mountain Law Invoice to Mount Vernon [April 2013]		
7	796	4/2013	Mountain Law Invoice to Burlington [April 2013]		
8	797	4/2013	Mountain Law Invoice to Mount Vernon [April 2013]		
9	798	4/2013	Mountain Law Case Reports to Burlington [April 2013]		
10	799		Shawn Delacruz Case File		
11	800		Steven Troy Osborn Case History		
12	801	2/17/12	Steven Troy Osborn Mount Vernon Docket		
13	802	8/23/12	Steven Troy Osborn Notice of Appearance [BUC010593]		
14	803	2/24/12	Sybrandy and Volluz Proposal [February 24, 2012]		
15	804	12/29/11	Sybrandy and Witt Addendum to Contract for Public Defender Services [December 29, 2011]		
16	805	9/14/06	Sybrandy and Witt Bid Proposal [2007-08]		
17	806	12/9/08	Sybrandy and Witt Public Defense Services Contract 2009-10		
18	807	9/27/11	Sybrandy Letter of		

		Termination [September 27, 2011]			
1	808		Sybrandy Resume		
2	809	3/8/12	W. Scott Snyder email to Cities re RFP Applicant Interview Process		
3					
4	810	10/25/11	W. Scott Snyder Letter to Cities re RFP		
5					
6	811	7/13/11	Washington Supreme Court Order re Standards for Indigent Defense [No. 25100-A-983]		
7					
8	812	7/13/11	Washington Supreme Court Order Suspending Amendments [No. 25700-A-982]		
9					
10	813	8/28/11- 9/3/11	Weekly Booking Statistics for Skagit County Jail		
11					
12	814	8/18/06	WSBA Bar Response to Jackson Grievance		
13					
14	815	6/3/11	WSBA Board of Governors Resolution re Public Defense		
15					
16	816	6/13/12	Agreement and Addendum to Public Defense Services Contract		
17					
18	817	3/26/10	Morgan Witt Email to Melanie Schlicker re Defense		
19					
20	818	2012- 2013	Burlington Contract with Cammock for Prosecution Services		
21					
22	819	2013- 2014	Burlington Contract with Craig Cammock Extension [2013]		
23					
24	820	5/2013	Public Defender Case Counts Through May		
25					
26	821	4/2013	Mountain Law April 2013 Invoice – Burlington		
27					
	822	5/2013	Mountain Law May 2013 Invoice – Burlington		
	823	4/2013	Mountain Law Case Reports April 2013 – Mount Vernon		
	824	1/2013	Mountain Law Case Reports January 2013		

		- Mount Vernon			
1	825	1/2013	Mountain Law Invoice January 2013		
2			- Burlington		

3
4 RESPECTFULLY SUBMITTED this 6th day of May, 2013.

5 KEATING, BUCKLIN & McCORMACK, INC., P.S.

6 s/ Adam Rosenberg

7 Andrew G. Cooley, WSBA #15189
 8 Adam Rosenberg, WSBA #39256
 Attorneys for Defendant Cities
 800 Fifth Ave., Ste. 4141
 Seattle, WA 98104-3175
 9 Ph.: (206) 623-8861 / Fax: (206) 223-9423
acooley@kbmlawyers.com
arosenberg@kbmlawyers.com

1 DECLARATION OF SERVICE

2 I, Cathy Hendrickson, hereby declare under penalty of perjury of the laws of the
3 State of Washington that I am of legal age and not a party to this action, and that on the 6th
4 day of May, 2013, I caused a copy of the *Cities' Pretrial Statement* to be served on the
5 following parties of record via email:
6

7 Toby Marshall
8 Beth Terrell
9 Jennifer R. Murray
10 Breena M. Roos
11 Terrell Marshall Daudt & Willie PLLC
12 936 N. 34th St., #400
13 Seattle, WA 98103-8869
14 bterrell@tmdwlaw.com
15 tmarshall@tmdwlaw.com
16 jmurray@tmdwlaw.com
17 broos@tmdwlaw.com

James F. Williams
Camille Fisher
Perkins Coie, LLP
1201 Third Ave., Suite 4900
Seattle, WA 98101-3099
cfisher@perkinscoie.com
jwilliams@perkinscoie.com

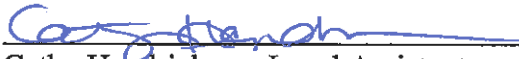
18 Sarah Dunne
19 Nancy L. Talner
20 American Civil Liberties Union of
21 Washington Foundation
22 901 Fifth Avenue, Suite 630
23 Seattle, WA 98164-2008
24 dunne@aclu-wa.org
25 talner@aclu-wa.org

Darrell W. Scott
Matthew J. Zuchetto
Scott Law Group
926 Sprague Ave., Suite 583
Spokane, WA 99201
scottgroup@mac.com
matthewzuchetto@mac.com

26 Scott Thomas
27 Burlington City Attorney's Office
833 S. Spruce St.
Burlington, WA 98233
stthomas@ci.burlington.wa.us

Kevin Rogerson
Mt. Vernon City Attorney's Office
910 Cleveland Ave.
Mt. Vernon, WA 98273-4212
kevinr@mountvernonwa.gov

DATED this 6th day of May, 2013, at Seattle, Washington.

22 
23 _____
24 Cathy Hendrickson, Legal Assistant