



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

Exhibit FF: Email from Avi Lipman to Brooke Howlett, dated January 17, 2018; and

Exhibit GG: Email from Brooke Howlett to Avi Lipman, dated February 1, 2018.

DATED this 12th day of February, 2018, at Seattle, Washington.

s/ Avi J. Lipman  
Avi J. Lipman, WSBA No. 37661

# Exhibit DD



Suite 2200  
1201 Third Avenue  
Seattle, WA 98101-3045

Jennifer Cygnor  
206.757.8736 tel  
206.757.7700 fax

jennifercygnor@dwt.com

November 18, 2016

*Via Messenger*

Robert M. Sulkin  
Avi Lipman  
McNaul Ebel Nawrot & Helgren  
600 University Street, Suite 2700  
Seattle WA 98101

RECEIVED

NOV 18 2016

McNaul Ebel Nawrot & Helgren  
PLLC

Re: *Davis v. Cox*, King County Superior Court No. 11-2-01925-7

Dear Counsel:

Enclosed please find a disc containing Defendants' document production bates numbered COX020287 – COX020296. The documents are designated Confidential pursuant to the agreement among counsel to treat productions as Confidential while the issue of the protective order is resolved.

Very truly yours,

Davis Wright Tremaine LLP

Jennifer Cygnor  
Paralegal

Enclosures

cc: Bruce Johnson  
Maria LaHood  
Steve Goldberg  
Barbara Harvey  
Brooke Howlett

# Exhibit EE

**From:** [Sara Redfield](#)  
**To:** [brucejohnson@dwt.com](mailto:brucejohnson@dwt.com); [Brooke Howlett](#); [Barbara Harvey](#); [steven@stevengoldberglaw.com](mailto:steven@stevengoldberglaw.com); [mlahood@ccrjustice.org](mailto:mlahood@ccrjustice.org)  
**Cc:** [Avi Lipman](#); [Curtis Isacke](#); [Thao Do](#); [Robert Sulkin](#); [Robin Lindsey](#)  
**Subject:** Davis, et al. v. Cox, et al.  
**Date:** Monday, February 05, 2018 7:55:26 AM  
**Attachments:** [image001.png](#)

---

Counsel –

Below please find a link to download plaintiffs' document production bates numbered PLTFFS001757-13629. Please do not hesitate to contact me should you have any issues accessing the documents.

<https://mcnaul.sharefile.com/d-scbe07dfef7141fda>

**Sara Redfield**  
**Litigation Paralegal**



600 University Street, Suite 2700 | Seattle, WA 98101-3134  
T (206) 467-1816 | F (206) 624-5128 | D (206) 389-9354  
\*\*\*check out our new website \*\*\*[www.mcnaul.com](http://www.mcnaul.com) | [sredfield@mcnaul.com](mailto:sredfield@mcnaul.com)

**Please consider the environment before printing this email.**

**Confidentiality Notice**

This email transmission (and/or documents accompanying it) may contain confidential or privileged information. The information is intended only for the use of the intended recipient(s). If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the contents of this information is strictly prohibited. If you have received this transmission in error, please do not review the contents and/or attachments, and please notify us immediately so that appropriate actions may be taken.

# Exhibit FF

**From:** [Avi Lipman](#)  
**To:** [Howlett, Brooke](#)  
**Cc:** [Thao Do](#); [Robert Sulkin](#); [Johnson, Bruce E.H.](#); [Dacuag, Evelyn](#); [Curtis Isacke](#)  
**Subject:** RE: MSJ etc.  
**Date:** Wednesday, January 17, 2018 3:42:16 PM  
**Attachments:** [image001.png](#)

---

Brooke:

- We hadn't planned on having the Co-op's counsel execute, nor have I discussed it with him. But it expressly provides for reliance by third parties, so I don't see a need for that.
- I will check with our clients on completing document production, to the extent it's incomplete. I doubt that can get done by the end of the month – if there is in fact more production in the pipeline – but I'll check and circle back.
- Plaintiffs intend to cross-move for summary judgment and will ask the Court hear this related motion on March 9. If you have any objection to that noting date, please let me know.
- For the sake of economy, we propose the following amended briefing schedule, which will lighten the load for both sides:
  - Plaintiffs' cross-motion and opposition to Defendants' motion: February 7 (five days earlier sooner than the previously agreed date for Plaintiffs' opposition);
  - Defendant's reply and opposition to Plaintiffs' motion: February 26;
  - Plaintiffs' reply: March 2
- As mentioned previously, Plaintiffs would like to get a trial date scheduled. Please let me know if Defendants are willing to confer to reach an agreement on dates to propose to the trial court. If not, Plaintiffs intend to move the court to set a trial schedule and date. It probably makes sense for you and I to compare calendars by phone when time allows. Can you talk tomorrow or Friday?

Thanks.

**Avi J. Lipman | Attorney**



600 University Street, Suite 2700 | Seattle, WA 98101-3134  
T (206) 467-1816 | F (206) 624-5128 | D (206) 389-9371  
[www.mcnaul.com](http://www.mcnaul.com) | [alipman@mcnaul.com](mailto:alipman@mcnaul.com)

---

**From:** Howlett, Brooke [mailto:BrookeHowlett@dwt.com]



**Sent:** Tuesday, January 16, 2018 2:43 PM  
**To:** Avi Lipman  
**Cc:** Thao Do; Robert Sulkin; Johnson, Bruce E.H.; Dacuag, Evelyn; Curtis Isacke  
**Subject:** RE: MSJ etc.

Avi,

I'm attaching Defendants' proposed edits to the SPO, along with a redline showing the changes. A few other outstanding issues:

- Is it your understanding that the Co-op will be signing this? Have you discussed with the Co-op's counsel?
- When can we expect you will complete plaintiff's document production? We consider January 29 to be a fair deadline for production given the summary judgment briefing schedule (your opposition due 2/12 and our reply due 3/2).

Brooke

**Brooke Howlett** | Davis Wright Tremaine LLP  
1201 Third Avenue, Suite 2200 | Seattle, WA 98101  
Tel: (206) 757-8187 | Fax: (206) 757-7187  
Email: [brookehowlett@dwt.com](mailto:brookehowlett@dwt.com) | Website: [www.dwt.com](http://www.dwt.com)

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | **Seattle** | Shanghai | Washington, D.C.

---

**From:** Avi Lipman [<mailto:ALipman@mcnaul.com>]  
**Sent:** Friday, January 12, 2018 4:34 PM  
**To:** Howlett, Brooke  
**Cc:** Thao Do; Robert Sulkin; Johnson, Bruce E.H.; Dacuag, Evelyn; Curtis Isacke  
**Subject:** Re: MSJ etc.

Brooke: Please get them to me no later than Tuesday. Thanks.

Sent from my mobile device.

On Jan 12, 2018, at 4:19 PM, Howlett, Brooke <[BrookeHowlett@dwt.com](mailto:BrookeHowlett@dwt.com)> wrote:

Hi Avi,

I wanted to let you know we are still reviewing the SPO and will have our comments to you early next week. We appreciate your patience.

Best regards,

Brooke

**Brooke Howlett** | Davis Wright Tremaine LLP  
1201 Third Avenue, Suite 2200 | Seattle, WA 98101  
Tel: (206) 757-8187 | Fax: (206) 757-7187  
Email: [brookehowlett@dwt.com](mailto:brookehowlett@dwt.com) | Website: [www.dwt.com](http://www.dwt.com)

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | **Seattle** | Shanghai | Washington, D.C.

---

**From:** Howlett, Brooke  
**Sent:** Tuesday, January 09, 2018 1:20 PM  
**To:** 'Avi Lipman'  
**Cc:** Thao Do; Robert Sulkin; Johnson, Bruce E.H.; Dacuag, Evelyn; Curtis Isacke  
**Subject:** RE: MSJ etc.

Hi Avi—we're reviewing and should have comments to you by the end of the week.

Best,

Brooke

**Brooke Howlett** | Davis Wright Tremaine LLP  
1201 Third Avenue, Suite 2200 | Seattle, WA 98101  
Tel: (206) 757-8187 | Fax: (206) 757-7187  
Email: [brookehowlett@dwt.com](mailto:brookehowlett@dwt.com) | Website: [www.dwt.com](http://www.dwt.com)

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | [Seattle](#) | Shanghai | Washington, D.C.

---

**From:** Avi Lipman [<mailto:ALipman@mcnaul.com>]  
**Sent:** Tuesday, January 09, 2018 12:32 PM  
**To:** Howlett, Brooke  
**Cc:** Thao Do; Robert Sulkin; Johnson, Bruce E.H.; Dacuag, Evelyn; Curtis Isacke  
**Subject:** RE: MSJ etc.

Brooke: Following up again here.

**Avi J. Lipman | Attorney**

[<image001.png>](#)

600 University Street, Suite 2700 | Seattle, WA 98101-3134  
T (206) 467-1816 | F (206) 624-5128 | D (206) 389-9371  
[www.mcnaul.com](http://www.mcnaul.com) | [alipman@mcnaul.com](mailto:alipman@mcnaul.com)

---

**From:** Avi Lipman  
**Sent:** Friday, January 05, 2018 11:36 AM  
**To:** Howlett, Brooke  
**Cc:** Thao Do; Robert Sulkin; Johnson, Bruce E.H.; Dacuag, Evelyn; Curtis Isacke  
**Subject:** RE: MSJ etc.

Brooke: Have you had a chance to review the SPO? Thanks. Avi

---

**From:** Howlett, Brooke [<mailto:BrookeHowlett@dwt.com>]  
**Sent:** Wednesday, December 20, 2017 2:41 PM  
**To:** Avi Lipman  
**Cc:** Thao Do; Robert Sulkin; Johnson, Bruce E.H.; Dacuag, Evelyn  
**Subject:** RE: MSJ etc.

Avi,

We are available on February 23, 2018, but would need to agree to a revised briefing schedule if we push the hearing back that far. We would propose you file your

opposition by January 29, and we file our reply by February 16. Let me know if that is agreeable.

We're reviewing the SPO and aim to get you our comments next week.

Best,

Brooke

**Brooke Howlett** | Davis Wright Tremaine LLP  
1201 Third Avenue, Suite 2200 | Seattle, WA 98101  
Tel: (206) 757-8187 | Fax: (206) 757-7187  
Email: [brookehowlett@dwt.com](mailto:brookehowlett@dwt.com) | Website: [www.dwt.com](http://www.dwt.com)

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | [Seattle](#) | Shanghai | Washington, D.C.

---

**From:** Avi Lipman [<mailto:ALipman@mcnaul.com>]  
**Sent:** Wednesday, December 20, 2017 11:17 AM  
**To:** Howlett, Brooke  
**Cc:** Thao Do; Robert Sulkin; Johnson, Bruce E.H.  
**Subject:** MSJ etc.

Brooke:

We've received your papers. We're not available on Jan 26, however, and need to find a new date for oral argument. (You didn't give me any indication of when it would be noted; otherwise I could have shared information about our schedule.)

When are you available in February and March? Also, please get back to me about the SPO.

Thanks.

**Avi J. Lipman | Attorney**

[<image001.png>](#)

600 University Street, Suite 2700 | Seattle, WA 98101-3134  
T (206) 467-1816 | F (206) 624-5128 | D (206) 389-9371  
[www.mcnaul.com](http://www.mcnaul.com) | [alipman@mcnaul.com](mailto:alipman@mcnaul.com)

# Exhibit GG

**From:** [Howlett, Brooke](#)  
**To:** [Avi Lipman](#)  
**Cc:** [Thao Do](#); [Curtis Isacke](#); [Johnson, Bruce E.H.](#); [Robert Sulkin](#); [Maria LaHood](#); [Angelo Guisado](#)  
**Subject:** RE: OFC  
**Date:** Thursday, February 01, 2018 10:01:06 AM  
**Attachments:** [image001.png](#)  
[2539\\_001.pdf](#)

---

Avi,

Please see below for our responses.

Best,

Brooke

**Brooke Howlett** | Davis Wright Tremaine LLP

1201 Third Avenue, Suite 2200 | Seattle, WA 98101

Tel: (206) 757-8187 | Fax: (206) 757-7187

Email: [brookehowlett@dwt.com](mailto:brookehowlett@dwt.com) | Website: [www.dwt.com](http://www.dwt.com)

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | [Seattle](#) | Shanghai | Washington, D.C.

---

**From:** Avi Lipman [<mailto:ALipman@mcnaul.com>]  
**Sent:** Wednesday, January 31, 2018 3:12 PM  
**To:** Howlett, Brooke  
**Cc:** Thao Do; Curtis Isacke; Johnson, Bruce E.H.; Robert Sulkin  
**Subject:** RE: OFC

Brooke: Please respond. Thanks.

---

**From:** Avi Lipman  
**Sent:** Thursday, January 25, 2018 12:08 PM  
**To:** 'Howlett, Brooke'  
**Cc:** Thao Do ([TDo@mcnaul.com](mailto:TDo@mcnaul.com)); Curtis Isacke; Johnson, Bruce E.H.; Robert Sulkin  
**Subject:** OFC

Brooke:

1. Attached is an executed version of the SPO. Please send us your signature. **Thank you—I'm attaching the signature page. Will you take care of filing with the court? Also, if you intend to file any documents designated confidential, we'll need several days at minimum to review them before you do.**
2. We are actively working on completing document production, and will be rolling out tranches to you as they become available. I can't predict when the process will be complete, but we're aiming for the week of Feb 5. **Do you have any update on when you will be producing more documents, and how many? A reminder that our requests for document cover social media communications, hand-written notes, recordings, etc. Also, you never responded to our April 18, 2017 request regarding whether you would accept service for the Trinins. Please let us know – we'd like to start getting their documents ASAP.**
3. Our clients want the case to be tried earlier than the fall. We propose May 29. Please let me

know your thoughts. I will be assisting Bruce with another trial set for May 29. Feel free to send us other dates that work for you and we can check them against our schedules as well as our clients' schedules.

4. Please confirm that you agree our MSJ may be heard on March 2. The procedural rules in Thurston County are quite different than King County, and we may need to note a separate motion – which I believe both sides would have to attend – if there is disagreement on this point. We'll do that if necessary, but I imagine all of us would like to avoid an unnecessary trip to Olympia. We do not agree to March 2nd (or March 9, when our summary judgement motion will be heard). As we have said, without any information about the scope or basis of your motion (or the scope or quantity of documents you will be filing or producing), we cannot agree to the same hearing date with an overlapping briefing schedule.
5. Please confirm defendants' document production is complete. And please supplement their answers/responses as warranted. Our clients' document production has long been complete. As to our clients' answers, given the nature of the interrogatories, and the fact that none of our clients are board members any longer, we doubt there is much to supplement, but we will find out. As to a supplemental production, you may have noticed that your overbroad request for all documents relating in any way to boycotting and/or divesting from Israel caught a lot of irrelevant documents that had nothing to do with the Olympia Food Co-op, such as weekly mass emails from unrelated organizations. If you would like production supplemented sooner rather than later, we could focus on requested documents relating to Olympia Food Co-op boycotting. Let us know your thoughts.

Thanks.

**Avi J. Lipman | Attorney**



600 University Street, Suite 2700 | Seattle, WA 98101-3134  
T (206) 467-1816 | F (206) 624-5128 | D (206) 389-9371  
[www.mcnaul.com](http://www.mcnaul.com) | [alipman@mcnaul.com](mailto:alipman@mcnaul.com)

1 **DECLARATION OF SERVICE**

2 On February 12, 2018, I caused to be served a true and correct copy of the  
3 foregoing document upon counsel of record, at the address stated below, via the method of  
4 service indicated:

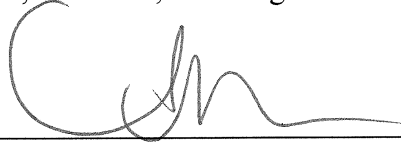
5 Bruce E. H. Johnson, WSBA No. 7667  
6 Brooke E. Howlett, WSBA No. 47899  
7 DAVIS WRIGHT TREMAINE LLP  
8 1201 Third Avenue, Suite 2200  
9 Seattle, WA 98101-3045  
10 Phone: 206-622-3150  
11 Fax: 206-757-7700  
12 Email: [brucejohnson@dwt.com](mailto:brucejohnson@dwt.com)  
13 [brookehowlett@dwt.com](mailto:brookehowlett@dwt.com)  
14 [mlahood@ccrjustice.org](mailto:mlahood@ccrjustice.org)  
15 [blmharvey@sbcglobal.net](mailto:blmharvey@sbcglobal.net)  
16 [steven@stevengoldberglaw.com](mailto:steven@stevengoldberglaw.com)

- Via Messenger
- Via U.S. Mail
- Via Overnight Delivery
- Via Facsimile
- Via E-mail (Per Agreement)

17 *Attorneys for Defendants*

18 I declare under penalty of perjury under the laws of the United States of America  
19 and the State of Washington that the foregoing is true and correct.

20 DATED this 12th day of February, 2018, at Seattle, Washington.

21 

22 

---

Thao Do, *Legal Assistant*