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7		SUPERIOR COURT	
8		FOR SNOHOM	1ISH COUNTY
9	Ann Fo	rrester, an individual,	Case No.: 24-2-07654-6-SEA
10	Plaintif	f,	
11	vs.		Plaintiff's Motion to Compel Deposition Testimony and for Sanctions
12	Mercur an indiv	y Parcel Service, a corporation, and Richard Hart,	
13	Defend		
14			
15			<u>Motion</u>
16	1.	Relief Requested. Plaintiff, Ann Forrester, in the	above titled action, hereby moves the court to compel the
17		Defendants, Richard Hart and Ms. Seiko Fujimo	ri, the Regional President, CEO and Registered Agent for
18		Mercury Parcel Service, to attend oral deposition	s on November 23, 9:00 am at the Law Offices of Salmon,
19		Trout & Haddock.	
20	2.	Statement of Facts. At approximately 7:00 a.m.	on January 25, 2024, on Mt. Pilchuck Rd. NE, in Lake
21		Stevens, Mr. Hart, employed by Mercury Parce	el Service was in an accident that seriously injured Ms.
22		Forrester. Plaintiff claims that Mr. Hart was neg	ligent in driving his vehicle while tired, distracted and in
23		adverse weather conditions. Plaintiff also claims t	hat Defendant's employer, named in the above titled action
24		(MPS), was negligent for allowing its employee	to drive under adverse weather conditions and failing to
25		supervise its employee. On October 30, 2024, Plan	intiff, through its attorneys, properly served a notice of oral
26		deposition to all parties for a meeting at the law of	fices of Plaintiff's attorney on November 13, 2024, at 9am.
27		Ms. Seiko Fujimori of MPS and Ms. Olive Bran	nch, counsel for MPS, failed to appear. The next day, on
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Mot. To Compel Page 1

1 November 14, 2024, at about 2:45 p.m., attorney Scott Haddock telephoned Ms. Branch and left her a detailed 2 voicemail inquiring why she and her client failed to attend the scheduled oral deposition. On November 15, 3 2024, at about 10:30 a.m., while Mr. Haddock was out of the office for an unrelated trial, the paralegal for 4 Mr. Haddock, Shannan Epps-Lever, received a telephone call from Ms. Branch. During this call, Ms. Branch 5 said in a very hostile tone, "[u]hder no circumstances will Ms. Fujimori ever attend your stupid deposition!" 6 Ms. Branch also stated, "[1]his case is nothing but a witch hunt, and I won't have it!" She then hung up. 7 3. Statement of Issues, The issue presented for resolution by the court is whether Mercury Parcel Service CEO, 8 Sciko Fujimori should be compelled to attend a deposition and provide the plaintiff with oral deposition 9 testimony; and whether Ms. Fujimori and/or the attended subjoined declantions of Plaintiff's counsel and 10 Ms. Shannan Epps-Lever. 13 5. Legal Authority. This motion is made pursuant to CR 30(a) and CR 37(d). 14 6. Proposed Onder. A proposed order granting the relief requested accompanies this motion. 15 Legal Authority. This motion is made pursuant to CR 30(a) and CR 37(d). 16 Proposed Onder. A proposed order granting the relief requ		1	
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Page 2 601 Union St., 42nd Seattle, WA 98101	28		
			601 Union St., 42nd Seattle, WA 98101

1		Declaration of Plaintiff's Counsel	
2	Scott Haddock declares:		
3	1.	I am the attorney for the plaintiff, Scott Haddock, in the above entitled action. The facts set out in this	
4		Declaration are based on my personal knowledge.	
5	2.	At approximately 7 a.m. on January 25, 2024, on Mt. Pilchuck Rd. NE, in Lake Stevens, WA, Defendant	
6		Richard Hart lost control of the delivery van owned by his employer, MPS, during extreme weather	
7		conditions, icy roads, and while fatigued. Hart was pre-occupied with reaching a break after his next stop, the	
8		location of acts contained herein, which impacted his ability to exercise extreme caution. He knew that roads	
9		were very icy, that conditions had been terrible for the past few hours, but did not reduce his speed or take	
10		actions to avoid losing control of his vehicle. Mr. Hart's vehicle slammed into Ms. Ann Forrester, causing	
11		serious injuries. Ms. Forrester is suing Mr. Hart for damages caused by his negligence in driving and Mercury	
12		Parcel Service, his employer, for negligence in allowing Mr. Hart to drive during adverse weather conditions	
13		and failing to supervise him.	
14	3.	A Notice of Deposition was properly served on Ms. Fujimori on October 30, 2024, to be held at the offices of	
15		Salmon, Trout & Haddock, 601 Union St., 42nd Fl., Seattle, WA 98101 on November 13, 2024, at 9 am.	
16	4.	Ms. Fujimori did not attend the original oral deposition on November 13, 2024, at 9:00 am, at our law firm	
17		Salmon, Trout & Haddock. Consequently, Ms. Forrester has moved the court for an order compelling the oral	
18		deposition testimony of Ms. Fujimori on November 23, 9:00 am, at the law offices of Salmon, Trout &	
19		Haddock, and for sanctions against Ms. Fujimori and her attorney, Ms. Branch, for refusing to attend the	
20		original oral deposition.	
21	5.	I have complied with the meet and confer requirement of CR 26(i) by attempting to reschedule an oral	
22		deposition, in which attorneys for Ms. Fujimori, Ms. Branch, flatly refused to attend an oral deposition.	
23			
24	I dec	lare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.	
25		Dated this day of Month, year.	
26			
27		Scott Haddock, WSBA # 39008	
28		Attorney for Plaintiff	
	Subjo Page	bined Dec. Scott Haddock, WSBA # 39008 601 Union St., 42nd Seattle, WA 98101 (206) 234-5600	

(206) 234-5600

1 2	Declaration of Ms. Shannan Epps-Lever
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4	Shannan Epps-Lever declares:
5	1. I am over the age of 18 and have the personal knowledge of the facts contained in this declaration. I am
6	competent to testify as a witness to the facts herein.
7	2. I am a Paralegal for Plaintiff's Attorney, Scott Haddock.
8	3. On November 15, 2024, at about 10:30 a.m., I received a telephone call from Ms. Branch, regarding the
9	originally scheduled oral deposition on November 13, 2024, at 9:00 am. During the call on November 14, Ms.
10	Branch said in a very hostile tone, "[u]nder no circumstances will Ms. Fujimori ever attend your stupid
11	deposition!" Ms. Branch also stated, "[t]his case is nothing but a witch hunt, and I won't have it!" She then
12	hung up on me. During my communication with Ms. Branch, I did not represent our client in any way;
13	instead, I simply collected the information that Ms. Branch provided to me and took copious notes for our
14	file.
15	
16	I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.
17	Dated this day of Month, year.
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19	Shannan Epps-Lever
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	Subjoined Dec.Scott Haddock, WSBA # 39008Page 2601 Union St., 42ndSeattle, WA 98101(206) 234-5600