

SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY

Ann Forrester, an individual,
Plaintiff,

vs.

Mercury Parcel Service, a corporation, and Richard Hart,
an individual,
Defendant.

Case No.: 24-2-07654-6-SEA

Plaintiff's Motion to Compel Deposition Testimony and
for Sanctions

Motion

1. **Relief Requested.** Plaintiff, Ann Forrester, in the above titled action, hereby moves the court to compel the Defendants, Richard Hart and Ms. Seiko Fujimori, the Regional President, CEO and Registered Agent for Mercury Parcel Service, to attend oral depositions on November 23, 9:00 am at the Law Offices of Salmon, Trout & Haddock.
2. **Statement of Facts.** At approximately 7:00 a.m. on January 25, 2024, on Mt. Pilchuck Rd. NE, in Lake Stevens, Mr. Hart, employed by Mercury Parcel Service was in an accident that seriously injured Ms. Forrester. Plaintiff claims that Mr. Hart was negligent in driving his vehicle while tired, distracted and in adverse weather conditions. Plaintiff also claims that Defendant's employer, named in the above titled action (MPS), was negligent for allowing its employee to drive under adverse weather conditions and failing to supervise its employee. On October 30, 2024, Plaintiff, through its attorneys, properly served a notice of oral deposition to all parties for a meeting at the law offices of Plaintiff's attorney on November 13, 2024, at 9am. Ms. Seiko Fujimori of MPS and Ms. Olive Branch, counsel for MPS, failed to appear. The next day, on

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]nder no circumstances will Ms. Fujimori ever attend your stupid deposition!”
6 Ms. Branch also stated, “[t]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 Seiko Fujimori should be compelled to attend a deposition and provide the plaintiff with oral deposition
9 testimony; and whether Ms. Fujimori and/or the attorney for Mercury Parcel Service, Ms. Olive Branch,
10 should be sanctioned for failing to attend an earlier deposition and refusing to reschedule.
- 11 4. Evidence Relied Upon. This motion is based on the attached subjoined declarations of Plaintiff’s counsel and
12 Ms. Shannan Epps-Lever.
- 13 5. Legal Authority. This motion is made pursuant to CR 30(a) and CR 37(d).
- 14 6. Proposed Order. A proposed order granting the relief requested accompanies this motion.

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16 Dated this day of November 18, 2024

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19 [REDACTED], WSBA # 39008
20 Attorney for Plaintiff
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Declaration of Plaintiff's Counsel

Scott Haddock declares:

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

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this day of Month, year.

[REDACTED], WSBA # 39008
Attorney for Plaintiff

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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.
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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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20 Shannan Epps-Lever
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