

Bob Wilbur

From: "Gwyn Staton" <gwynstaton1@msn.com>
Date: Thursday, October 24, 2013 7:07 PM
To: "Bob Wilbur" <bbwilbur@broadstripe.net>
Subject: RE: Del Johnson sent you a message Re: TRO wording

I thought this was abandoned a long time ago

Gwyn Staton
7506 34th Ave NW
Seattle, Wa. 98117
206-784-6044

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From: bbwilbur@broadstripe.net
To: gwynstaton1@msn.com
CC: dustin@local519.org
Subject: Re: Del Johnson sent you a message Re: TRO wording
Date: Thu, 24 Oct 2013 07:49:52 -0700

Gwyn,
Gwyn,

I think Chris was just asking to be sure we have abandoned negotiation. Dustin and I talked last night and he agreed to send an email confirming our hardball approach, which I see he has.

Chris agrees that there may be a contempt case to be made on the good status aspect. As you and I agreed, today you and Dustin and I would see if we can develop a defensible rationale on the meeting postponement, and I informed Chris of that we were doing this today, which is what I should be doing rather than this. I also reiterated to Chris to send out the requests, which I see Dustin has also iterated.

So everything we agreed to do yesterday afternoon is happening now, so I am miffed about your problem. Is there something else you want or some new direction? I need to start on the postponement thing...Later

From: [Gwyn Staton](#)
Sent: Wednesday, October 23, 2013 11:31 PM
To: [Bob Wilbur](#) ; [Dustin Frederick](#)
Subject: RE: Del Johnson sent you a message Re: TRO wording

who is leif?

Why is this even a question at this point that you want to mediate or negotiate? Did you not get Sid's email and did Chris not get Dustin's? Apparently, no one has quite fathomed they are not going to negotiate without a change in the Board. I am so frustrated with us and our inability to send a clear message to Chris.

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From: bbwilbur@broadstripe.net
To: gwynstaton1@msn.com
Subject: Fw: Del Johnson sent you a message Re: TRO wording
Date: Wed, 23 Oct 2013 21:40:03 -0700

Hey Gwyn,

FYI, but no more than that right now. Am forwarding another in a minute. Let's keep the kid gloves on for now with Chris and see where we go tomorrow.

From: [Chris Skinner](#)
Sent: Wednesday, October 23, 2013 2:14 PM
To: [Bob Wilbur](#)
Cc: [Dustin Frederick](#) ; [Leif Johnson](#)
Subject: RE: Del Johnson sent you a message Re: TRO wording

That is a plausible point. If we chose to seek a contempt finding, under this theory, it would

be based on the fact that the board is improperly trying to enforce a payment via the “good standing” argument, even though that payment wasn’t actually due before the TRO was entered - as opposed to focusing on the date the assessment was announced.

That could work. One other decision that you and Dustin need to make is whether we should abandon the idea of mediation/settlement in view of what the board has been up to lately; or keep pursuing it. If we are still thinking the latter has merit (I think it still may) then moving for contempt under any theory is likely to create a situation where settlement on reasonable terms becomes more difficult. So, let’s revisit our goal and make sure we are on the same page. I know that you were becoming pretty skeptical in recent days that we would see a good faith effort on the board’s part. And, given the manipulative comments from the “blogger” I can see why.

Christon Skinner

Law Offices of Christon C. Skinner, P.S.
791 SE Barrington
Oak Harbor, WA 98277
360-679-1240

P.O. Box 668
Friday Harbor, WA 98250
360-378-2191

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From: Bob Wilbur [mailto:bbwilbur@broadstripe.net]
Sent: Wednesday, October 23, 2013 12:48 PM
To: Chris Skinner
Cc: Dustin Frederick
Subject: Re: Del Johnson sent you a message Re: TRO wording

Hi Chris,
FYI Del is a big pool hater and partner of the president, Jean Salls, and is a constant on NextDoor deriding the pool supporters.

Thanks for the explanation. I understand but am still unconvinced under the following reasoning, which you need not respond to if you believe it is without legal merit. I can see how the TRO could not prevent the assessment from being sent out and collections made. However, the due date for the assessment was September 15 or 16. The TRO was effected Sept 11, so no members would have been in bad standing on the 11th due to failure to pay the assessment. That is, the TRO doesn’t preclude folks from paying the assessment, it only delays the due date and, hence, a status change for nonpayment, at least until the legitimacy of the ballot and assessment is resolved.

Again no need to respond unless you think this has some merit and thanks Chris,
Bob

From: [Chris Skinner](#)

Sent: Tuesday, October 22, 2013 11:12 PM

To: [Bob Wilbur](#) ; [Dustin Frederick](#)

Cc: [Leif Johnson](#)

Subject: FW: Del Johnson sent you a message Re: TRO wording

Gentlemen:

I received this email from Gwyn this evening. There was no "screw up." The temporary restraining order could not affect an action that had already been taken, even if I had intended that. If a special assessment has been levied prior to the entry of the TRO; and a member wants to remain in good standing, it is my opinion that they will have to pay the assessment under protest to be able to vote or hold a position on the board. The existing

If we have any room to pursue contempt or additional steps as part of our request to have the TRO extended pending further disposition of this case, it would only be related to the timing of the annual meeting. Even then, I am not convinced that pursuing contempt of court based on a complaint that the annual meeting has been delayed would be fruitful.

It is my considered opinion that those persons who wish to vote at the annual meeting or who intend to run for office, must pay the special assessment that was levied before we filed our suit in order to assure their status as members in good standing. We cannot rely on the court to change this basic premise or hold the existing board in contempt. That strategy will fail. Distasteful as it may be, the special assessment was levied before the TRO was entered and before the court has made any decision about the validity of the ballot. By not paying the assessment and relying on the outcome of future hearings, the pool advocates who want to change the makeup of the board are playing into the hands of the current majority.

I realize that Gwyn may have a different opinion about this, but I have been down this road before with an association and I am quite confident that the failure to pay an assessment that was levied at a time when the board had authority (i.e., before a court can rule otherwise) is a situation that places the nonpayer in a position of not being in "good standing." If the rules were otherwise, there would be very little incentive for any member to pay a levy or dues because they could simply decide, unilaterally, that they disagreed with the board and were therefore justified to refrain from making payment. It simply doesn't work that way.

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From: Gwyn Staton [<mailto:gwynstaton1@msn.com>]
Sent: Tuesday, October 22, 2013 10:44 PM
To: Chris Skinner
Subject: FW: Del Johnson sent you a message Re: TRO wording

This is why they are so in bad faith

>

> I received this message from Del in response to the Next door conversation under Stephens post about facing the mirror---they--the board--are under the impression that members are not in good standing for not paying the assessment. Below is Dels reason:

>

>

> -----Forwarded Message-----

>>From: Nextdoor Admiral's Cove Beach Club <reply@nextdoor.com>

>>Sent: Oct 22, 2013 1:57 PM

>>To: smriggins@earthlink.net

>>Subject: Del Johnson sent you a message Re: TRO wording

>>

>>Hi Riggins,

>>

>>Del Johnson just sent you a message:

>>

>>Subject: "TRO wording"

>>

>>"Hi Mary,

>>

>>The TRO is quite silent about an assessment already enacted. It talks about any assessment henceforth. Read it for what it actually says, not what you want it to say.

>>

>>Either their attorney screwed-up the wording or he accepted Gwyn's wording (also a screw-up on his part).

>>"

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