

1 SENT ON NOVEMBER 27, 2013 FOR FILING IN ISLAND COUNTY SUPERIOR COURT

2 The Honorable Alan R. Hancock
3 Date of Motion: November 27, 2013
4 Nature of Motion: Motion for Contempt

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7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
8 IN AND FOR THE COUNTY OF ISLAND

9 ROBERT WILBUR and DUSTIN
10 FREDERICK,

11 Plaintiffs,

12 v.

13 ADMIRAL'S COVE BEACH CLUB, a
14 Washington non-profit corporation; and JEAN
15 SALLS, MARIA CHAMBERLAIN, KAREN
16 SHAAK, ROBERT PEETZ, ELSA PALMER,
17 ED DELAHANTY AND DAN JONES,
18 individuals,

19 Defendants.

NO. 13-2-00741-4

DECLARATION OF JEAN SALLS IN
SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS'
MOTION FOR ORDER TO SHOW
CAUSE RE: CONTEMPT
(VIOLATION OF TEMPORARY
RESTRAINING ORDER OBTAINED
SEPTEMBER 11, 2013)

19 I, Jean Salls, hereby certify under penalty of perjury, that the following is true and correct
20 and within my personal knowledge:

21 1. I am over the age of 18, have personal knowledge of all facts contained in this
22 declaration and am competent to testify as a witness to those facts.

23 2. I have been and am currently the President of the Admiral's Cove Beach Club
24 ("ACBC") Board of Directors at all times relevant to the plaintiffs' Complaint.

25 SALLS DECLARATION IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFFS'
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1 3. From the date that the Temporary Restraining Order was entered, there has been
2 disagreement as to its effect on ACBC's ability to collect and enforce the pool assessment, which
3 was levied and imposed prior to the entry of the TRO.

4 4. Defendants interpreted the TRO as having no effect on the ability to collect or
5 enforce a previously-levied assessment.

6 5. However, recognizing the contentious nature of this action, defendants identified a
7 need to have the Court resolve the differing interpretations of the language of the TRO before
8 moving forward with the election.

9 6. Attached as **Exhibit A** is a true and correct copy of ACBC's Bylaws.

10 7. Attached as **Exhibit B** is a true and correct copy of an October 22, 2013 blog post
11 by plaintiff Wilbur to ACBC's community website (hosted by Nextdoor.com).

12 8. At this point in time, the Board considers a sizeable number of ACBC members not
13 to be in "good standing" solely because they have not paid the assessment, which was levied and
14 imposed before the TRO was signed into effect.

15 9. Defendants have decided that the standing of these members must be determined
16 before an election can proceed.

17 10. The Board has been threatened with litigation if it does not follow through with the
18 wishes of the majority of the members, who voted to remove the pool.

19 11. These threats have come from ACBC's vocal "anti-pool" faction.

20 12. If members who have not paid the assessment in question are permitted to vote or
21 run for the Board based on the language of the TRO, the Board fears that the "anti-pool" faction
22 would file a lawsuit against the Board for holding an election in violation of the Bylaws.

23 13. This fear arises because: (1) the Bylaws require a member to have paid all
24 assessments before voting or running for the Board; and (2) the language of the TRO does not

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1 prohibit the current Board from considering the previously-levied pool assessment when
2 determining a member's standing.

3 14. For this additional reason, defendants have taken the position that the TRO's impact
4 on the definition "good standing" needs to be determined by the Court before the annual meeting or
5 election can proceed.

6 15. The annual meeting was originally scheduled for October 26, 2013.

7 16. The ballots for the Board election were originally scheduled to be mailed between
8 15 and 50 days before the meeting as per Article IV Section 4 of the Bylaws.

9 17. Defendants hoped to have the "good standing" issue resolved before mailing the
10 ballots for the October 26, 2013 annual meeting.

11 18. Because the parties were unable to resolve the issue of "good standing" prior to the
12 October 26, 2013 annual meeting, defendants postponed the election and, consequently, the annual
13 meeting.

14 DATED this 25th day of November, 2013, at _____, Washington.

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16 _____
17 Jean Salls
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IN AND FOR THE COUNTY OF ISLAND

ROBERT WILBUR and DUSTIN
FREDERICK,

Plaintiffs,

v.

ADMIRAL'S COVE BEACH CLUB, a
Washington non-profit corporation; and JEAN
SALLS, MARIA CHAMBERLAIN, KAREN
SHAAK, ROBERT PEETZ, ELSA PALMER,
ED DELAHANTY AND DAN JONES,
individuals,

Defendants.

NO. 13-2-00741-4

AFFIDAVIT OF FACSIMILE
PURSUANT TO GR 17

I, Vasudev N. Addanki, declare and state as follows:

1. I am an attorney for defendants Admiral's Cove Beach Club, Jean Salls, Maria Chamberlain, Karen Shaak, Robert Peetz, and Dan Jones. I have personal knowledge of the facts set forth herein and am fully competent to testify hereto.

I have examined the Declaration of Jean Salls in Support of Defendants' Opposition to Plaintiffs' Motion for Order to Show Cause re: Contempt (Violation of Temporary Restraining Order Obtained September 11, 2013) and determined that it consists of ___ pages including this

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1 affidavit and Exhibit A, and that it was faxed to me for filing with the Court. The faxed copy of
2 the Declaration is complete and legible.

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

5 DATED this 25th day of November, 2013, at Seattle, Washington.

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8 Vasudev N. Addanki
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CERTIFICATE OF SERVICE

I, Valerie D. Marsh, declare as follows:

1) I am a citizen of the United States and a resident of the State of Washington. I am over the age of 18 years and not a party to the within entitled cause. I am employed by the law firm of Betts, Patterson & Mines, P.S., whose address is One Convention Place, Suite 1400, 701 Pike Street, Seattle, Washington 98101-3927.

2) By the end of the business day on November 25, 2013, I caused to be served upon counsel of record at the addresses and in the manner described below, the following documents:

- **Declaration Of Jean Salls In Support Of Defendants’ Opposition To Plaintiffs’ Motion For Order To Show Cause Re: Contempt (Violation Of Temporary Restraining Order Obtained September 11, 2013); and**
- **Certificate of Service.**

Counsel for Plaintiffs:

Christon C. Skinner
Law Offices of Christon C. Skinner, P.S.
791 SE Barrington Drive
Oak Harbor, WA 98277-3278

- U.S. Mail
- Hand Delivery
- Telefax
- UPS
- E-mail

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

DATED this 25th day of November, 2013.

Valerie D. Marsh

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