

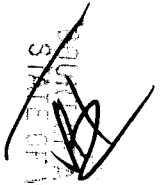
Exhibits for Notice
Discretionary Review
by Rosemary Kambs
Pro Se

Filed 11/1/2016

COA No. 73149-1-1

2016 NOV -2 PM 12:41

CLERK OF SUPERIOR COURT
STATE OF WASHINGTON



Appellant
would respectfully Request the court to review
all continuance, including those filed in Skagit
County prior ^{& after} to recusal of all judges ~ as these
have not been made available to appellant & she
cannot access these under DOC Policy & work-
release.

Also, Appellant Respectfully requests
The Clerk of the Court of Appeals, Division One,
to INCLUDE all cover letters & motions for
additional time w/ ALL D.O.C. documentation
attached when forwarding to Supreme Court for
Review. Thank-you, Rosemary Kambs

FILED
COUNTY CLERK

2013 DEC 20 PM 3:33

WHATCOM COUNTY
WASHINGTON

BY



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**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

STATE OF WASHINGTON,

Plaintiff,

v.

ROSEMARY KAMB,

Defendant

No. 13-1-01064-2

WITNESS LIST FROM DEFENSE

COMES NOW the Defendant here, and submits the following list of witnesses, attached
hereto as exhibit A.

RESPECTFULLY SUBMITTED December 20, 2013,



Thomas E. Seguire, WSBA # 17507

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Certificate of Service

I am employed in Skagit County, Washington, State of Washington. I am over the age of 18 and am not a party to the within action; my business address is 1023 South 3rd, Street, Mount Vernon, WA 98273.

On December 20, 2013 I served a copy of this document on the interested parties in this action in one or more of the following manner(s):

BY REGULAR MAIL: I placed copies of the document in sealed envelopes and caused such envelopes to be deposited in the United States mail with postage thereon fully prepaid and addressed as stated in the attached service list.

BY HAND DELIVERY: I placed copies of the document in sealed envelopes and caused such envelopes to be delivered by messenger to the addresses as stated on the attached service list.

BY FACSIMILE: I served the document by facsimile to the facsimile numbers stated on the attached service list by each party and/or attorney of record.

BY ELECTRONIC MAIL: I electronically transmitted copies of the document to the most recent known email address of the addressee.

OTHER: _____

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

Thomas E. Seguin

Service List:

Rosemary Kaholokula,
Chief Criminal Deputy
Office of Skagit County Prosecuting Attorney
605 S. 3rd Street
Mount Vernon WA 98273

EX.A
STATE V. KAMB
DEFENSE WITNESS LIST
12-20-13

EXHIBIT A - STATE V. KAMB DEFENSE WITNESS LIST 12-20-13

1	Agnew	Heidi					Assistant to Art Larvey at A.G. Edwards will testify to never received payment from Ms. Kamb for services rendered
2	Alburto	Chris					Ms. Arendse may testify as to certain over the counter transactions she conducted with Ms. Kamb in which cashir's checks were purchased
3	Arendse	Angela	321 SE Pioneer Way	Oak Harbor	98277	888-642-2265	performed investigation into case and incorrectly determined amount of alleged taking
4	Bank	Kevin	1325 4th Ave, Ste 600	Seattle	98101-2539	206-733-5909	intake officer at time of arrest of Ms. Kamb, booking and when picked up by Tom Kamb
5	Bjom	Julie	c/o Skagit County Jail	Mount Vernon	WA		Dr. Bretell is a neurologist who treated Ms. Kamb
6	Bretell		1400 E. Kincaid	Mount Vernon		428-2555	Mr. Bulmer represented Ms. Kamb over an extended period of time and witnessed a marked deterioration in routine functioning
7	Bulmer	Kurt	740 Belmont Place	Seattle	98102	206-325-9949	

8	Burns-Taffaf	Katherine	905 S. 3rd St.	Mount Vernon	336-6145	knowledge of desire of Mr. Keating to change estate planning documents; personal observations of R. Kamb
9	Coffin	Cindy	321 SE Pioneer Way	Oak Harbor	98277 888-642-2265	Ms. Coffin may testify as to various searches she has performed with regard to various transactions alleged to have been conducted with Ms. Kamb with cashier's checks

10	Cohen	Joshua	1112 11th St.	Bellingham	360-671-0383	Treating psychiatrist for Ms. Kamb between, at minimum, July 2010 to June 2011; diagnosed Ms. Kamb as suffering from the following Disorders concurrently over entire time period - PTSD, Major Depressive Disorder, Obsessive Compulsive Disorder, Cognitive Disorder, Attention Deficit Disorder; prescribed multiple psychotropic drugs to Ms. Kamb over time period of charging document
11	Cooley	Benjamin			360-424-6226	PT at Merit Rehab; never rec'd \$\$ from check 499805;
12	Cunningham	Mike	c/o Williams & Nulle CPAs, 407 Pine Street	Mount Vernon WA	338-6611	witness to symptoms of head injury following auto accident

13	D'Arienzo	Larry	27877 Gilligan Creek Rd.	Sedro Woolley	98284	856-0973	Mr. D'Arienzo provided counseling services to Ms. Kamb following her 2007 MVA after which she experienced significant and worsening cognitive difficulties
14	DeBoard	Roberta		Bellingham			Dr. DeBoard created a neuropsychological report on Ms. Kamb on Feb 25, 2009
15	Earnest	Tim	616 120th Ave. NE	Bellevue	98005	455-7500	Mr. Earnest performed a brain scan on Ms. Kamb at the Amen Clinic in Seattle.
16	Ende	Douglas	1325 4th Ave, Ste 600	Seattle	98101- 2539	206-733- 5909	issue notice of public concern incorrectly identifying amount of alleged takings
17	Grant	Brian	13015 5th Ave.	Seattle	98101	206-447- 3449	Dr. Grant conducted a comprehensive review of Ms. Kamb's medical and psychiatric records as requested by WSBA; his report is dated August 30, 2011
18	Hansom	Janet	2116 E. Section	Mount Vernon	98274	428-1700	Dr. Hansom was the primary care provider for Ms. Kamb over the operative time period of the charging document

19	Hernandez	Cecelia				tbd	physician who provided tx to Ms. Kamb concerning head injury
20	Holden	Laurie	321 SE Pioneer Way	Oak Harbor	98277	888-642-2265	Ms. Holden may testify as to certain over the counter transactions she conducted with Ms. Kamb in which cashier's checks were purchased
21	Hoyt	Keith				208-882-3590	chiropractor who treated Ms. Kamb after auto accident
22	Jones	J. Michael	Street	Mount Vernon	98274	424-8951	Dr. Jones provided neurological treatment for Ms Kamb in 2007 for chronic headaches, particularly following urgent care/ER incident
23	Judd	Tedd		Bellingham			Dr. Judd created a neuropsychological report on Ms. Kamb on Feb 25, 2009
23	Kamb	Rosemary		Mount Vernon			Defendant
24	Kamb	Louis				206-612-9392	Interactions with sister since head injury
25	Kamb	Tom		Mount Vernon	WA	420-2027	picked up R. Kamb at jail following arrest and booking

26	Kidane	Astor		820-2833	Daughter of Rosemary Kamb; attest to cognitive difficulties and mental health deterioration over operative time frame
27	LaRue	Comer	Anacortes		Psychologist who performed diagnostic testing on Ms. Kamb w/re head injury
28	Last name unknown	Christi			Mount Glen employee who witnessed events surrounding Keating residency including Bunry Knot

29	Libby	Jan	321 SE Pioneer Way	Oak Harbor	98277	888-642- 2265	Ms. Libby may testify as to various searches she has performed with regard to various transactions alleged to have been conducted with Ms. Kamb with cashier's checks; also certain procedures with regard to the issuance of cashier's checks in general; and as to the identify of certain individuals who conducted various transactions with Ms. Kamb involving the purchase of cashier's checks
30	Lorenz	Allison				360-428- 4075	therapist from SeaMar who prescribed medicines for head injury and related symptoms
31	Mejia	Amy	n/a	n/a	n/a	n/a	Ms. Mejia may testify as to certain over the counter transactions she conducted with Ms. Kamb in which cashier's checks were purchased; she is no longer employed by the bank

32	Moser	Tom		Mount Vernon	98273	428-7900	May testify concerning the circumstances surrounding Keating estate planning
33	Osborne	Kataryna	196 SW Woodbury Court	Lake City, Florida	32024	360-708- 1511	prior paralegal office assistant for Ms. Kamb during MVA; attest to deterioration of functioning between fall 2007 MVA and her departure from office in March 2008
34	Otterholt	Victoria	104 N. 15th St	Mount Vernon	98273	424-9045	Dr. Otterholt or a representative will testify that Ms. Kamb did not owe her any money when she secured a cashier's check to pay her for a bill that apparently did not exist.
35	Price	Timothy				424-0386; 421-5345	Edward Jones rep for acct that received remainder of Keating Funds
36	Rogers	Marjorie	314 7th Street	Mount Vernon	WA		MVHS counselor who witnessed difficulties of Ms. Kamb coping with teenage son and school

37	Rosenstein	Rebecca	321 SE Pioneer Way	Oak Harbor	98277	888-642-2265	Ms. Rosenstein may testify as to certain over the counter transactions she conducted with Ms. Kamb in which cashier's checks were purchased
38	Shackleton	David		Corway		338-3121	MVPD officer with knowledge of demeanor of Ms. Kamb when arrested
39 40	Shipman Slack	Michael	616 120th Ave. NE	Bellevue	98005	425-455-7500	Mr. Slack was a historian providing information to Dr. Earnest for the brain scanning at the Amen Clinic.
41	Stivers	Mark	2100 E. Section Street	Mount Vernon	98274		Dr. Stivers or a representative of his staff will testify that Ms. Kamb did not owe him any money when she withdrew money to pay a bill in 2011
42	Wade	Curtis		Burlington	98233		Dr. Wade or a representative will testify that Ms. Kamb did not owe him money when she withdrew money to pay a bill she thought she had with him.

43 White Josephine

540-8678 Ms. White
witnessed Mr.
Keating express
desire to exclude
Ms. Knott from
estate plan b/c of
dispute about
Keating care

44 White Debbie

daughter of Jo
White and
caregiver to Mr.
Keating

SCANNED 1
 FILED IN OPEN COURT
 1-9 2014
 WHATCOM COUNTY CLERK
 By [Signature]

THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 FOR WHATCOM COUNTY

THE STATE OF WASHINGTON,)
 Plaintiff,)
 vs.)
 ROSEMARY KAMB,)
 Defendant.)

No.: 13-1-01064-2
ORDER SETTING TRIAL DATE
 (Clerk's Action Required)

ARRAIGNMENT: The Defendant was arraigned on: _____

TRIAL: The matter is set for Jury Trial on May 24 Sat, 20 14 at 9:00 AM in Department 1 for 10 days by order of the Court.

FIT FOR TRIAL HEARING: This hearing is set for April 23, 20 14 at 8:30 AM by order of the Court.

TRIAL RESET: This matter is continued for trial from _____ Department 3 to Jan 21, 20 13 for _____ days at 9:00 AM by order of the Court.

FIT FOR TRIAL HEARING: This hearing is set for _____, 20 _____ at 8:30 AM by order of the Court.

FINDINGS: This matter has been reset for the following reason(s):

by agreement of the prosecutor, defense counsel and the defendant.
 _____ for good cause found by the court _____

An agreed trial continuance order requires the signature of the Defendant to be valid.

The Defendant is ordered to appear at all Fit for Trial Hearings, with this exception: The defendant's appearance at the Fit for Trial Hearing may be waived if Counsel makes an affirmative representation that the Defendant spoke to him/her within three business days prior to the hearing date.

The Defendant's failure to appear at Trial or at the Fit for Trial or any other hearings set by the Court may result in issuance of a Bench Warrant, Forfeiture of Bail and/or criminal prosecution for Bail Jumping pursuant to RCW 9A.76.170.

Entered this 9 day of January, 20 14.

[Signature]
 JUDGE

Presented by:

[Signature]
 Attorney for the State (), WSBA# 2006

[Signature]
 Attorney for Defendant, WSBA# 17507

[Signature]
 Defendant

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2014 JAN 21 PM 1:26
WHATCOM COUNTY
WASHINGTON

SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM

STATE OF WASHINGTON .

Plaintiff,

v.

ROSEMARY KAMB,

Defendant.

NO: 13-1-01084-2
SUBPOENA
(SB)

COPY

THE STATE OF WASHINGTON TO:

Name: Mike Cunningham c/o Williams & Nulle CPAs
Address: 407 Pine Street
Mount Vernon WA 98273

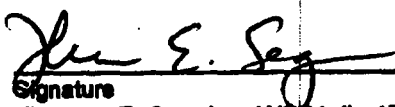
YOU ARE COMMANDED TO APPEAR:

On: Tuesday, May 6, 2014 (Date) at 9:30 AM
at: Whatcom County Superior Court, Room/Department, Judge Snyder
Address: 311 Grand Ave., Bellingham WA 98225

to testify in the above matter and to remain in attendance until you have given your testimony or you have been dismissed or excused by the court.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY BE CONSIDERED CONTEMPT OF COURT AND MAY RESULT IN YOUR ARREST.

Dated: 1-17-2014


Signature
Thomas E. Segune, WSBA # 17507
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98273
Phone: 360-755-1000

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WHATCOM COUNTY
WASHINGTON

SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM

BY _____

STATE OF WASHINGTON.

Plaintiff,

NO: 13-1-01084-2

v.

SUBPOENA
(SB)

ROSEMARY KAMS,

Defendant.

COPY

THE STATE OF WASHINGTON TO:

Name: Tom Moser
Address: 1204 Cleveland St.
Mount Vernon WA 98273

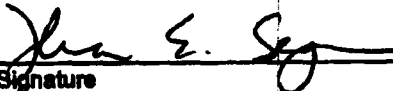
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Dated: 1-17-2014


Signature
Thomas E. Seguire, WSPA # 17507
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98273
Phone: 360-755-1000

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WHATCOM COUNTY
WASHINGTON
BY

**SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM**

STATE OF WASHINGTON .

Plaintiff,

v.

ROSEMARY KAMB,

Defendant.

NO: 13-1-01064-2
**SUBPOENA
(SB)**

COPY

THE STATE OF WASHINGTON TO:

Name: Michael J. Jones
Address: 1315 E Division Street
Mount Vernon WA 98274

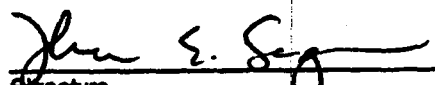
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Dated: 1-17-2014


Signature
Thomas E. Seguire, WSPA # 17507
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98273
Phone: 360-755-1000

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WASHINGTON

BY

**SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM**

STATE OF WASHINGTON .

Plaintiff,

v.

ROSEMARY KAMB,

Defendant.

NO: 13-1-01084-2

**SUBPOENA
(SB)**

THE STATE OF WASHINGTON TO:

Name: Kurt Bullmer
Address: 740 Belmont Place
Seattle WA 98102

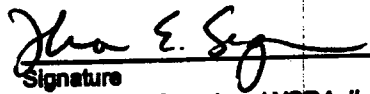
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Dated: 1-17-2014



Signature
Thomas E. Seguire, WSBA # 17507
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98273
Phone: 360-755-1000

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BY _____

**SUPERIOR COURT OF WASHINGTON
COUNTY OF _WHATCOM**

STATE OF WASHINGTON.

Plaintiff,

v.

ROSEMARY KAMB,

Defendant.

NO: 13-1-01084-2

**SUBPOENA
(SB)**

THE STATE OF WASHINGTON TO:

Name: Kevin Bank
Address: 1325 4th Ave Suite 600
Seattle WA 98101-5909

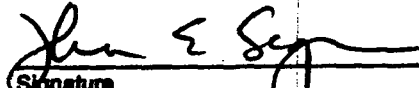
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AND MAY RESULT IN YOUR ARREST.**

Dated: 1-17-2014


Signature
Thomas E. Seguire, WSBA # 17507
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98273
Phone: 360-755-1000

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WHATCOM COUNTY
WASHINGTON

BY

**SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM**

STATE OF WASHINGTON.

Plaintiff,

v.

ROSEMARY KAMB,

Defendant.

NO: 13-1-01064-2

**SUBPOENA
(SB)**

THE STATE OF WASHINGTON TO:

Name: Jo White

Address: _____

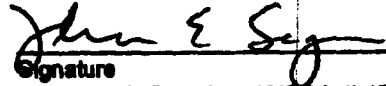
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Dated: 1-17-2014


Signature
Thomas E. Segune, WSBA # 17507
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98273
Phone: 360-755-1000

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WHATCOM COUNTY
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BY _____

**SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM**

STATE OF WASHINGTON .

Plaintiff,

NO: 13-1-01064-2

v.

**SUBPOENA
(SB)**

ROSEMARY KAMB,

Defendant.

THE STATE OF WASHINGTON TO:

Name: Douglas Ende
Address: 1325 4th Ave. Ste 600
Seattle WA 98101-2539

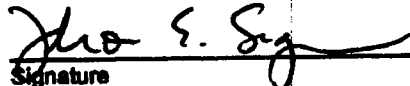
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Dated: 1-17-2014


Signature
Thomas E. Segune, WSBA # 17507
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98273
Phone: 360-755-1000

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WHATCOM COUNTY
WASHINGTON

BY _____



**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

STATE OF WASHINGTON,

Plaintiff,

v.

ROSEMARY KAMB,

Defendant

No. 13-1-01064-2

**AGREED ORDER CONCERNING
RELEASE OF DOCUMENTS FROM
THOMAS MOSER PURSUANT TO
SUBPOENA DUCES TECUM**

WHEREAS the Defendant here has issued a subpoena *duces tecum* to Thomas Moser, Attorney at Law, in this matter, and Mr. Moser has filed written objection with the court, seeking an order from the court requiring his compliance with such subpoena; and

WHEREAS this court conducted a hearing on such objection in open court on January 9, 2014, where the issue of whether such an order should be entered requiring Mr. Moser to comply with the subpoena *duces tecum*, the parties being represented by their respective counsel, and

WHEREAS this court, is now fully advised in the premises, and having reviewed the objection filed by Mr. Moser, and the parties both stipulating and agreeing that there was no other objection to the subpoena;

ORDER CONCERNING OBJECTION
TO SUBPOENA DUCES TECUM TO
THOMAS MOSER

1 of 2.


LAW OFFICE OF TOM SEGUINE
1023 South Third
Mount Vernon, WA 98273
360-755-1000

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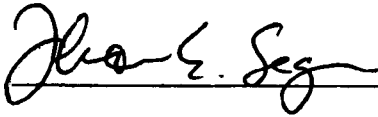
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NOW, THEREFORE, IT IS HEREBY ORDERED that Mr. Moser shall comply with the terms of the subpoena *duces tecum* without further delay by delivering all responsive documents to the office of the counsel for the defense.


SIGNED THIS ²⁴ day of January 2014,


CHARLES SNYDER, SUPERIOR COURT JUDGE

PRESENTED BY:


Thomas E. Seguine
Counsel for Defendant, WSBA # 17507

APPROVED AS TO FORM, NOTICE OF PRESENTMENT WAIVED:


Rosemary Kaholokula, Chief Criminal Deputy
Counsel for Plaintiff WSBA # ~~1587~~ 25026
Office of Skagit County Prosecuting Attorney
605 S. 3rd Street
Mount Vernon WA 98273

SCANNED 2

FILED
COUNTY CLERK

2014 FEB 19 AM 11:53

WHATCOM COUNTY
WASHINGTON

BY [Signature]

**WHATCOM COUNTY SUPERIOR COURT
STATE OF WASHINGTON**

STATE OF WASHINGTON, Plaintiff,
vs.
ROSEMARY HARRIET KAMB, Defendant.

NO: 13-1-01064-2

AMENDED WITNESS LIST

The following is a list of witnesses that the Prosecuting Attorney may use at the trial or hearings of the above named defendant in the above titled cause number:

**MARK W. SHIPMAN, SERGEANT,
RETIRED
DAVID SHACKLETON
MOUNT VERNON POLICE DEPT
MOUNT VERNON, WA 98273**

**CUSTODIAN OF RECORDS
WHIDBEY ISLAND BANK-
BURLINGTON
P.O. BOX 302
BURLINGTON, WA 98233**

**DOROTHY KNOTT
611 774 GREAT NORTHERN WAY
VANCOUVER, BC V5T1E5**

**JOHN LEE
IMMACULATE CONCEPTION
215 N. 15TH STREET
CATHOLIC CHURCH
MOUNT VERNON, WA 98273**

**CELESTE SABERS
WOODLAND PARK ZOO
601 N. 59TH STREET
SEATTLE, WA 98103**

**SHEILA C RIDGWAY, EXPERT
WITNESS
701 FIFTH AVENUE, SUITE 4755
SEATTLE, WA 98104-7035
*WITNESS WILL TESTIFY REGARDING TRUSTEE &
POSSIBLY ATTORNEY COMPENSATION & BILLING
PROCESSES & DUTIES OF TRUSTEE**

**CAROLYN LENINGTON
P.O. BOX 127
BELLINGHAM, WA 98229**

**THOMAS RESICK
RESICK, HANBER & FRYER
412 N. COMMERCIAL STREET
BELLINGHAM, WA 98225**

**CUSTODIAN OF RECORDS
D.A. DAVIDSON COMPANY
195 E. GEORGE HOPPER ROAD
BURLINGTON, WA 98233**

ORIGINAL

12

CUSTODIAN OF RECORDS
SKAGIT STATE BANK
P.O. BOX 285
BURLINGTON, WA 98233

The substance of testimony of the above witnesses is as follows:

- See police reports and attached statements.

The State reserves the right to supplement this witness list as necessary and to add additional witnesses as soon as practicable after a determination that the witness will be called by the State at trial.

SKAGIT COUNTY PROSECUTING ATTORNEY

Date: 9/19/14

By: Rosemary Kaholokula
ROSEMARY KAHOLOKULA, WSBA #25026
CHIEF CRIMINAL DEPUTY PROSECUTOR

SCANNED

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FILED
COUNTY CLERK

2014 APR 10 AM 11:39

WHATCOM COUNTY
WASHINGTON

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**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

STATE OF WASHINGTON,

Plaintiff,

v.

ROSEMARY KAMB,

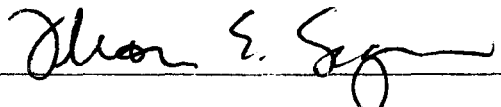
Defendant

No. 13-1-01064-2

SECOND AMENDED WITNESS
LIST OF DEFENSE 4-8-2014

COMES NOW the Defendant here and submits the SECOND AMENDED WITNESS LIST of the defense, dated 4-9-2014, attached hereto as Exhibit A. Certain amendments, most notably additions, are highlighted in red. Additionally, one witness has become unavailable, Mr. Thomas Kamb, whose name has been stricken by interlineation.

RESPECTFULLY SUBMITTED THIS 9TH day of April, 2014,



Thomas E. Seguire, WSBA # 17507
Counsel for Defendant

18

Ex. A
Amended Witness List
State v. Kamb
4-9-14

Kamb Amended Witness List
4-9-14
[Additions/amendments in red]

Number	Last	First	Street	City	zip	Phone	Summary
	Agnew	Heidi					Assistant to Art Larvey at A.G. Edwards
1	Alburto	Chris					will testify to never received payment from Ms. Kamb for services rendered
2	Arendse	Angela	321 SE Pioneer Way	Oak Harbor	98277	888-642-2265	Ms. Arendse may testify as to certain over the counter transactions she conducted with Ms. Kamb in which cashir's checks were purchased
3	Bank	Kevin	1325 4th Ave, Ste 600	Seattle	98101-2539	206-733-5909	performed investigation into case and incorrectly determined amount of alleged taking
4	Bretell	Patti	1400 E. Kincaid	Mount Vernon		428-2555	Dr. Bretell is a neurologist who treated Ms. Kamb
5	Bullmer	Kurt	740 Belmont Place	Seattle	98102	206-325-9949	Mr. Bullmer represented Ms. Kamb over an extended period of time and witnessed a marked deterioration in routine functioning

Kamb Amended Witness List
4-9-14
[Additions/amendments in red]

6	Coffin	Cindy	321 SE Pioneer Way	Oak Harbor	98277	888-642- 2265	Ms. Coffin may testify as to various searches she has performed with regard to various transactions alleged to have been conducted with Ms. Kamb with cashier's checks
7	Cohen	Joshua	1112 11th St.	Bellingh am		360-671- 0383	Treating psychiatrist for Ms. Kamb between, at minimum, July 2010 to June 2011; diagnosed Ms. Kamb as suffering from the following Disorders concurrently over entire time period - PTSD, Major Depressive Disorder, Obsessive Compulsive Disorder, Cognitive Disorder, Attention Deficit Disorder; prescribed multiple psychotropic drugs to Ms. Kamb over time period of charging document
8	Cooley	Benjamin				360-424- 6226	PT at Merit Rehab; never rec'd \$\$ from check 499805;

Kamb Amended Witness List
 4-9-14
 [Additions/amendments in red]

9	Cunningham	Mike	c/o Williams & Nulle CPAs, 407 Pine Street	Mount Vernon	WA	336-6611	witness to symptoms of head injury following auto accident
10	D'Angelo	Francesca	c/o WSBA Kirsten Schimpff, Ass. Gen Counsel			206-727-8213	may testify concerning her participation in WSBA investigation and issuance of "Statement of Public Concern"
11	D'Arienzo	Larry	27877 Gilligan Creek Rd.	Sedro Woolley	98284	856-0973	Mr. D'Arienzo provided counseling services to Ms. Kamb following her 2007 MVA after which she experienced significant and worsening cognitive difficulties
12	DeBoard	Roberta		Bellingham			Dr. DeBoard created a neuropsychological report on Ms. Kamb on Feb 25, 2009
13	Earnest	Tim	616 120th Ave. NE	Bellevue	98005	455-7500	Mr. Earnest performed a brain scan on Ms. Kamb at the Amen Clinic in Seattle.
14	Ende	Douglas	1325 4th Ave, Ste 600	Seattle	98101-2539	206-733-5909	issue notice of public concern incorrectly identifying amount of alleged takings

Kamb Amended Witness List
 4-9-14
 [Additions/amendments in red]

15	Grant	Brian	13015 5th Ave.	Seattle	98101	206-447-3449	Dr. Grant conducted a comprehensive review of Ms. Kamb's medical and psychiatric records as requested by WSBA; his report is dated August 30, 2011
16	Hansom	Janet	2116 E. Section	Mount Vernon	98274	428-1700	Dr. Hansom was the primary care provider for Ms. Kamb over the operative time period of the charging document
17	Hernandez	Cecelia				tbd	physician who provided tx to Ms. Kamb concerning head injury
18	Holden	Laurie	321 SE Pioneer Way	Oak Harbor	98277	888-642-2265	Ms. Holden may testify as to certain over the counter transactions she conducted with Ms. Kamb in which cashir's checks were purchased
19	Hoyt	Keith				208-882-3590	chiropractor who treated Ms. Kamb after auto accident
20	Jones	J. Michael	Street	Mount Vernon	98274	424-8951	Dr. Jones provided neurological treatment for Ms Kamb in 2007 for chronic headaches, particularly following urgent care/ER incident

Kamb Amended Witness List
 4-9-14
 [Additions/amendments in red]

21	Judd	Tedd		Bellingham			Dr. Judd created a neuropsychological report on Ms. Kamb on Feb 25, 2009
22	Kamb	Rosemary		Mount Vernon			Defendant
23	Kamb	Louis				206-612-9392	Interactions with sister since head injury
24	Kamb	Tom		Mount Vernon	WA	420-2027	picked up R-Kamb at jail following arrest and booking
25	LaRue	Comer		Anacortes			Psychologist who performed diagnostic testing on Ms. Kamb w/re head injury
26	Libby	Jan	321 SE Pioneer Way	Oak Harbor	98277	888-642-2265	Ms. Libby may testify as to various searches she has performed with regard to various transactions alleged to have been conducted with Ms. Kamb with cashier's checks; also certain procedures with regard to the issuance of cashier's checks in general; and as to the identify of certain individuals who conducted various transactions with Ms. Kamb involving the purchase of cashier's checks

Kamb Amended Witness List
 4-9-14
 [Additions/amendments in red]

27	Lorenz	Allison				360-428-4075	therapist from SeaMar who prescribed medicines for head injury and related symptoms
28	Mejia	Amy	n/a	n/a	n/a	n/a	Ms. Mejia may testify as to certain over the counter transactions she conducted with Ms. Kamb in which cashier's checks were purchased; she is no longer employed by the bank
29	Moser	Tom		Mount Vernon	98273	428-7900	May testify concerning the circumstances surrounding Keating estate planning
30	Norman	Vanessa	c/o WSBA Kirsten Schimpff, Ass. Gen Counsel			206-727-3213	may testify concerning her participation in WSBA investigation and issuance of "Statement of Public Concern"
31	Osborne	Kataryna	196 SW Woodbury Court	Lake City, Florida	32024	360-708-1511	prior paralegal office assistant for Ms. Kamb during MVA; attest to deterioration of functioning between fall 2007 MVA and her departure from office in March 2008

Kamb Amended Witness List
 4-9-14
 [Additions/amendments in red]

32	Otterholt	Victoria	104 N. 15th St	Mount Vernon	98273	424-9045	Dr. Otterholt or a representative will testify that Ms. Kamb did not owe her any money when she secured a cashier's check to pay her for a bill that apparently did not exist.
33	Price	Timothy				424-0366; 421-5345	Edward Jones rep for acct that received remainder of Keating Funds
34	Raigh	Christi	1810 E Division	Mount Vernon	98274	419-4565	Mount Glen employee who witnessed events surrounding Keating residency including Bunny Knot
35	Rekdal	Richard	2275 116th Ave., Ste 100	Bellevue	98004	425-658-1400	Mr. Rekdal and/or an associate will testify as to financial analysis
36	Rogers	Marjorie	314 7th Street	Mount Vernon	WA		MVHS counselor who witnessed difficulties of Ms. Kamb coping with teenage son and school
37	Rosenstein	Rebecca	321 SE Pioneer Way	Oak Harbor	98277	888-642-2265	Ms. Rosenstein may testify as to certain over the counter transactions she conducted with Ms. Kamb in which cashier's checks were purchased

Kamb Amended Witness List
 4-9-14
 [Additions/amendments in red]

38	Shackleton	David		Conway	336-3121	MVPD officer with knowledge of demeanor of Ms. Kamb when arrested
39	Sherwood	John	10900 NE 4th St. Ste 1350	Bellevue 98004	(425) 990-4035	Mr. Sherwood will testify concerning breach of fiduciary duties and standard of w/re estate and trust administration
40 41	Shipman Slack	Mark Michael	616 120th Ave.NE	Bellevue 98005	425-455-7500	Mr. Slack was a historian providing information to Dr. Earnest for the brain scanning at the Amen Clinic.
42	Stivers	Mark	2100 E. Section Street	Mount Vernon 98274		Dr. Stivers or a representative of his staff will testify that Ms. Kamb did not owe him any money when she withrew money to pay a bill in 2011
43	Tsipis	Tianna	tbd		tbd	physician who provided tx to Ms. Kamb concerning head injury on 11-6-2007; also attended Mr. Keating at SVH August 2010 including contact with B. Knott

Kamb Amended Witness List
4-9-14
[Additions/amendments in red]

44	Wade	Curtis	Burlingto 98233 n		Dr. Wade or a representative will testify that Ms. Kamb did not owe him money when she withdrew money to pay a bill she thought she had with him.
45	White	Josephine		540-8678	Ms. White witnessed Mr. Keating express desire to exclude Ms. Knott from estate plan b/c of dispute about Keating care
46	White	Debbie			daughter of Jo White and caregiver to Mr. Keating
47	Zorn	Julie	c/o Skagit County Jail	Mount Vernon WA	intake officer at time of arrest of Ms. Kamb, booking and when picked up by Tom Kamb

FILED IN OPEN COURT

4.23.14

WHATCOMB COUNTY CLERK

By M Deputy

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SKAGIT COUNTY

Whatcom

THE STATE OF WASHINGTON,

Plaintiff,

vs.

ROSEMARY KAMB,

Defendant.

No. 13-1-01064-2

ORDER CONTINUING TRIAL ~~AND~~
~~SETTING DATES~~

THIS MATTER coming on regularly on the motion of the State of Washington, being represented by Chief Criminal Deputy Prosecutor Rosemary H. Kaholokula, and the Court being fully advised in the premises, now therefore,

THE COURT FINDS:

1. The continuance is required in the administration of justice; and
2. The defendant will not be prejudiced in the presentation of his/her defense.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, a continuance of the trial is granted. ~~The following dates are set:~~ *Trial to be set within 90 days of current trial date.*

Pretrial motions: _____
Trial confirmation: _____
Trial: _____

DATED this 23rd day of April, 2014.

Alvin O'Connell
JUDGE

Presented by:
Rosemary H. Kaholokula
Rosemary H. Kaholokula, WSBA #25026
Chief Criminal Deputy Prosecutor

Approved as to Form:
Tom Seguire
Tom Seguire
Attorney for Defendant ~~WSB~~ # 17507

32

SCANNED

DOCKETED

M

SCOMIS CODES:

MTHRG

OMNHRG

STAHRG

RWVHRG

HSTKIC

SCVHRG

PLMHRG

NGPH

(Other)

ARRAIGN

DSMHRG

WID

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR WHATCOM COUNTY

STATE OF WASHINGTON, Plaintiff,
vs.
KAMB, ROSEMARY H, Defendant

No. 13-1-01064-2
JUDGE GARRETT
REPORTER/CD RAYMOND
CLERK MILLER
DATE 04-23-14 @ 8:30

This matter came on for STATUS/TRIAL DATE CC Interpreter appeared _____

State represented by ROSEMARY H. KAHOLOKULA Defendant represented by Tom Saguine PRIVATE ATTORNEY

Defendant appeared: yes no ; in custody: yes no ; Name as charged or _____

State requested BW Court authorized issuance of Bench Warrant

Defendant was served with true copy of Information Read Waived

PLEA: NOT GUILTY

Defendant acknowledged viewing/understanding advice of rights

Defendant acknowledged he/she was advised of basic civil & constitutional rights and penalty

The following were called, sworn & testified on behalf of State: _____

Court found probable cause Probable cause found over weekend Probable cause previously found

Defendant requested counsel Referred to Assigned Counsel Office Court appointed PD

State requested release conditions requested bail of \$ _____ Defense counsel responded

COURT SET BAIL AT \$ _____ Court released defendant on PR

Deft agreed to waive speedy trial rights Waiver of Speedy Trial: FILED TO BE FILED

Continued to: Thursday Calendar for plea Next Status Calendar Strike Trial Date Court 5 day bump

Friday Calendar for new trial date Presence Waived Presence waived if order signed

Maintain Trial Date Status and Trial continued one week State Defense moved to continue

Defense opposes continuance
Relisted

State advised Court - needs continuance - more discovery, experts
Parties argued pre-trial motion - argued points in declarations -
State argued continuance not prejudicial to defendant - Defense disagreed

Court will issue order for subpoena expenses - work with Judge Uhrig's assistant
Arraign/Trial Setting/Fugitive Hearing set for *Order Continuing Trial entered*

SET FOR TRIAL: 1 1 SET FOR STATUS: 1 1 CONTINUED FROM: 1 1

THE COURT: GRANTED / DENIED / SIGNED THE STATE'S / DEFENSE'S MOTION / ORDER

Finds Good Cause to Continue - Order a continuance of up to 90 days
Finds defendant would not be prejudiced by continuance NO ORDER RECEIVED

- PREPARED ORDERS SIGNED:
- DEFT'S ACK/ADVICE OF RIGHTS
 - ORDER ON FIRST APPEARANCE OF DEFT
 - ORDER FOR PRE-TRIAL RELEASE
 - ORDER TO RELEASE
 - AGREED ORDER SETTING/CONTINUING TRIAL DATE
 - AGREED OMNIBUS ORDER
 - ORDER FORFEITING BOND
 - CONTINUED TO _____ FOR _____
 - ORDER SETTING HEARING DATE
 - NO CONTACT ORDER
 - ORDER FOR BENCH WARRANT
 - ORDER: QUASH WARRANT
 - ORDER/WARRANT FUGITIVE COMPLAINT
 - WAIVER OF EXTRADITION (4 ea. Jail=2/PA=1/CRT=1)
 - STRICKEN PRIOR TO COURT By: _____
 - ORDER _____

SCANNED 12

FILED
COUNTY CLERK

2014 APR 22 PM 3:40

WHATCOM COUNTY
WASHINGTON

BY SM

RECEIVED
SKAGIT COUNTY
PROSECUTING ATTORNEY

2014 APR 22 PM 2:57

**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

STATE OF WASHINGTON,

Plaintiff,

v.

ROSEMARY KAMB,

Defendant

No. 13-1-01064-2

**DEFENSE RESPONSE TO
MOTION TO CONTINUE TRIAL
BY PROSECUTION**

COMES NOW the Defendant to respond and object to the State's motion to continue and reset the trial date in this matter for the following reasons, each and all of which establish that the defense will be prejudiced in the presentation of its defense:

1. The defense will be prejudiced by further delay of the trial.

Multiple trial subpoena issued and served. Notwithstanding whatever other delays may have occurred, in this case, the defense has diligently prepared for this trial date. This preparation has included issuing and serving subpoenas for some 46 trial witnesses, as may be seen from the court file. There was and is a certain cost associated with that process, involving manpower, time and money. This includes the management of such witnesses approaching trial, a process which is well underway. If this motion is granted, all of this

DEFENSE RESPONSE TO MOTION TO
CONTINUE TRIAL DATE

1 of 12.

LAW OFFICE OF TOM SEGUINE

1023 South Third
Mount Vernon, WA 98273

360-755-1000

29

1 work will have to be replicated. Counsel for the defense is a sole practitioner without
2 support staff, making such work particularly difficult. The support that has been used to
3 get these witnesses served will likely not be available if the case is rescheduled. Further,
4 as these witnesses have all indicated their general availability for the existing trial date,
5 whether they would be available at a revised time is fully unknown; going into the summer
6 months, no doubt, there will be scheduling conflicts. Additionally, as one or more
7 witnesses would need to travel, a revised date would again cause the defense to go through
8 the same drill all over again.

8 *Material witnesses have become unavailable.* The defense has already been
9 significantly prejudiced in the presentation of its case as two material witnesses have
10 become unavailable through the passage of time. Ms. Kamb's original defense case was to
11 include testimony from her sister, Elizabeth, who assisted her in managing her affairs and
12 who witnessed the deterioration of her mental and physical state, and her brother Tom,
13 who would have offered similar testimony and who additionally arranged her pickup from
14 the Skagit County jail on the day of her arrest. Both have passed away while this matter
15 was pending.

15 *Counsel's own competing schedule.* The prosecutor has made reference to her
16 workload and schedule, looking forward and back. The same considerations come into
17 play for counsel for the defense. He is managing a wide variety of other cases, all with
18 competing deadlines and duties and obligations. At this stage of this case, as this trial date
19 was set in January of 2014, counsel has dedicated two to three weeks for the trial. If this

1 matter is rescheduled, counsel's other obligations will be disrupted, and further, his ability
2 to dedicate time to this matter as has occurred to date will be significantly compromised.

3 *Loss of support assistance.* Counsel for the defense has had assistance with the
4 case through Ms. Astor Kidane, significantly assisting with the management of the large
5 number of witnesses. Ms. Kidane will shortly become unavailable. Without such support
6 defense counsel's ability to prepare for trial, in a manner satisfactory to this court, will be
7 significantly compromised. In particular, Ms. Kidane has provided cost free service on
8 many of the witnesses in this matter; without her assistance the defense will have to bear
9 the cost of paying a process server, or perhaps seek the assistance of the court in this regard
10 in ordering service through the appropriate authority – presumably the Whatcom or Skagit
County Sheriff. She will also be available to assist with various trial preparation tasks.

11 2. The discovery issues are anomalous.

12 *The "pivotal" discovery was provided to the defense in December 2013.* The State
13 suggests that it has been overrun with discovery from the defense. Between the lines is the
14 unescapable reality that the State received the bulk of the defense discovery last year.
15 Further, a central tenet of the prosecution case is that Ms. Kamb was not legitimately
16 engaging in trust administration and absconding with significant sums of money from the
17 trust. The investigation from both the bar association and the police failed to "drill down"
18 into the matter to secure documents produced by the defense indicating quite the contrary,
19 despite a series of subpoenas and search warrants, none of which were directed to Ms.
Kamb herself as trustee. One would perhaps think that such would be the first place to

1 look; indeed the prosecutor in her declaration, describing this information from disclosures
2 made in December of 2013, states “[t]his evidence is pivotal”.

3 *Discovery since January 9, 2014 has been supplemental.* The State argues it is
4 entitled to more trial preparation time by providing a litany of “new” discovery since
5 January 9, 2014, the last court date on this matter. However the documents provided to the
6 State all relate to the State’s central allegations concerning Ms. Kamb and her management
7 of the Keating trust. Moreover, vast quantities of the discovery overlap with or are
8 ancillary to information already known to the prosecution.

9 January 29, 2014 – 9 pages. These consisted of a short narrative prepared by
10 Quantum investigations detailing copying of certain items from related to the original
11 banking records of the Keating trust. The narrative is two pages. The remaining 8 pages
12 are photos of an accordion file and several views of a packet of check stubs from Mr.
13 Keating’s original Skagit State Bank checkbook. The State has alleged that Ms. Kamb
14 stole money from the trust through the Skagit State Bank account immediately following
15 Mr. Keating’s death, and further, that there was “no indication of any legitimate use” of the
16 funds for trust administration. The State never issued any process – search warrant or
17 subpoena – to secure such records.

18 February 23, 2014 – Vol IA – 126 pages. This set of discovery contains certain tax
19 records for Mr. Keating from 2009 (42 pages); a check to the estate of Paul Keating from
20 United Healthcare dated October 7, 2010 (2 pages- front and back); a copy of a check from
21 Whidbey Island Bank account 843, in the name of the Keating trust, in the amount of \$32
payable to “Medical Center” (2 pages front and back); a copy of the back copy of a

1 cashier's check payable to Pricilla Keating in the amount of \$50,000 from March 1, 2011
2 (1 page that the prosecutor already had); a blank envelope (1 page); billing statements for
3 Mr. Keating from the Skagit Valley Medical Center and checks from Whidbey Island Bank
4 signed by Rosemary Kamb paying for such bill (4 pages); a daily patient profile of Mr.
5 Keating from the Hilltop Pharmacy for 2009 (two pages); a NY Life Ins. Policy summary
6 from April 6, 2011 (4 pages); multiple copies of trust correspondence from Ms. Kamb to
7 trust beneficiaries, already possessed by the prosecution (10 pages); Davidson trust
8 account statements for March 2011 (possibly already in possession of prosecutor – 7-8
9 pages); Edward Jones trust statement for May 2011 (approx.. 6 pages); letter of R. Horak
10 on behalf of NY Life to Keating family postmarked August 10, 2011 (approx.. 5 pages);
11 Whidbey Island Bank statements for Keating trust accounts # 843 and # 694 for January,
12 May, and June 2011 (approx.. 20 pages, most of which already in possession of State);
13 copies of receipts and letters of trust correspondence from Rosemary Kamb (approx.. 10
14 pages, duplicating those in State's discovery and those described above); Woodland Park
15 Zoo webpage on "giving opportunities" dated 2/2/2011 (2 pages); further copies of trust
16 correspondence prepared by Rosemary Kamb regarding payments to beneficiaries and
17 including payment by Heidi Agnew (approx.. 10 pages and overlapping and duplicating
18 items mentioned above).

17 February 23, 2014 – Vol IB – 126 pages.

18 This second part of the documents transmitted contains receipt prepared for Pricilla
19 Keating and letter of transmittal (2 pages, prosecution already in possession of both);
20 Amendments to Keating Trust and Original Keating Trust documents (approx.. 43 pages,

1 already in possession of State); trust application for taxpayer identification # for or by
2 Rosemary Kamb undated (2 pages); handwritten estate planning notes, undated (approx. 10
3 pages); 2009 Wells Fargo investment account statements (approx.. 50 pages); Edward
4 Jones statement July 12, 2011 for R. Kamb as trustee of Keating Trust (4 pages); pre-
5 stamped envelope to Heidi Agnew with Pitney Bowes stamp dated Nov. 15, 2010 and
6 business card of Heidi Agnew (2 pages, believed to be in possession of prosecution
7 already); Skagit Valley Med. Center billing (2 pages) for Paul Keating; 2009 Wells Fargo
8 Keating tax documents (4 pages); Skagit Valley Med. Center billing (1 page) for Paul
9 Keating; unsigned copies of amendments to Keating trust (approx.. 5 pages, already in
10 possession of State); Davidson investments marketing materials (approx.. 5 pages); copy of
11 envelopes to and from Pricilla Keating without address and return address of Heidi Agnew
12 at Davidson (4 pages approximately, believed to already be in possession of prosecution);
13 Davidson "understanding your 2009 1099 statement" document (1 page).

13 February 28, 2014 – Retirement home records. These documents were not
14 previously provided to the defense by the prosecution. They were secured through a
15 subpoena duces tecum issued by the defense, in its investigation, to account for the events
16 immediately before and following Mr. Keating's death. There are actually 26 pages,
17 including the original 6 page subpoena. These include 2009 admission records for Mr.
18 Keating; a copy of Mr. Keating power of attorney (6 pages, already possessed by
19 prosecution); handwritten prescription drug notes from 2009 (1 page); a billing summary
20 from for the Keating account at Mountain Glen (1 page); staff notes concerning Mr.
21 Keating's health in July and August 2010 (approx.. 6 pages); emergency response

1 instructions for Mr. Keating for June 2010 incident; Skagit Valley Hospital discharge
2 record for Mr. Keating from July 6, 2010 (1 page); second emergency response record for
3 Mr. Keating for June 24, 2010.

4 March 7, 2014 – Records of Dr. Hoyt. These include the envelope from Dr. Hoyt's
5 office; a three page summary of office visits by Ms. Kamb in 2007 and 2008;
6 correspondence concerning Ms. Kamb's progress in treatment and billing (approx. 4
7 pages); handwritten description of auto accident by R. Kamb dated 9-5-2007 (4 pages,
8 event previously disclosed to prosecution); SVH records of R. Kamb from Sept. 2007
9 (approx. 5 pages, previously disclosed); Hoyt chart notes (approx. ten pages from tx in
10 2007 and 2008); Unigard certificate of disability, 8/30/2007 (approx. 5 pages); referral to
11 C. Alburto, massage therapist (one page).

12 March 7, 2014 – Records of K. Tarraf. The first six pages of the "14 pages" of new
13 discovery is a copy of the subpoena duces tecum. The remaining documents consist of
14 unsigned copies of a last will and testament for Mr. Keating dated approximately June 30,
15 2010, and an amendment to the Keating Trust of approximately the same date.

16 March 10, 2014 – Mass. Mutual records. These records consist of a supplement to
17 the original Massachusetts Mutual disability records already provided to the defense. The
18 documents consisted only of an update to the disability claim, Ms. Kamb relating to Mass
19 Mutual through her physician that she remains disabled.

20 April 2, 2014 – attorney records of Tom Moser. These records were subpoenaed
21 many months before. On January 9, 2014 Judge Snyder issued an order requiring that the

1 records be turned over, over Mr. Moser's objection. Mr. Moser did not produce them until
2 some days before April 2, 2014. According to his cover letter, he actually sent a separate
3 copy to the prosecutor. Without going into more minutia these were largely overlapping
4 with many of the other documents set forth above here, previously shared between the
5 parties in discovery.

6 April 4, 2014 WSBA records. These records consist of many, many records that
7 have nothing to do with this matter. Those that do, with the Keating trust, are largely
8 duplicative of what the police and prosecution already possess. In fact, because of WSBA
9 rules pertaining to confidentiality, the records provided pertaining to the Keating situation
10 are less than what has already been provided to the prosecution through a variety of other
11 sources.

12 April 12, 2014 – Medical Records of Rosemary Kamb. These are records from Dr.
13 Patti Bretell, a neurologist who conducted an evaluation on Ms. Kamb. The reports were
14 errantly left out of earlier reports from Skagit Valley Hospital, which had been requested
15 by the defense. These records were otherwise referenced in other parts of the medical
16 records already submitted to the State.

17 April 15, 2014 – Davidson records. These documents relate to the withdrawals and
18 activity of the Keating Davidson trust account both before and after the death of Mr.
19 Keating, and include the transfer of funds to the Whidbey Island accounts by Ms. Kamb.
20 The prosecution had virtually all of this information before hand; these items simply
21 provide another layer of detail about those fund movements.

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3. The additional witnesses do not justify a delay.

Expert on financial analysis. The expert named in the current witness list concerning financial analysis is Mr. Rekdal, who previously provided a concise declaration during the suppression proceedings. Counsel for the defense has informed the prosecution that his testimony would be consistent with that declaration, which was filed with the court about a year ago.

Expert on estate and trust administration. The State has alleged an aggravating circumstance concerning breach of a position of trust, and has named its own expert witness on this issue. The defense is only responding to this tack from the prosecution. Presumably, through its own witness and through its charging documents, the defense is well aware of the issues surrounding its own allegation. There is no surprise that the defense would want to counter such expert testimony.

Doctor named. The doctor named is Doctor Tianna Tsitsis. She was previously identified to the prosecution in reports from Skagit Valley Hospital dating back to 2007, long ago provided.

WSBA witnesses. The prosecution in its charging documents states that an investigation was conducted by both the WSBA and the Mount Vernon Police Department. Nonetheless, the prosecution somehow has failed to bring the WSBA witnesses into this case. The defense is entitled to bring the WSBA investigation into the case even if the

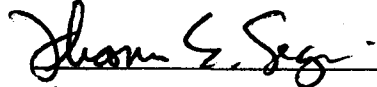
1 prosecution does not want to. Furthermore, the prosecution can bring its motion in limine
2 if it chooses to with the existing trial date.

3
4 4. Prosecution trial preparation.

5 The defense is certainly sympathetic to the plight of the prosecutor. In fact, the
6 defense has accommodated that plight by agreeing to certain delays, particularly those
7 related to the serious felony trial last summer. Still, on balance, as the prosecutor says,
8 over two years have elapsed here and the need to move forward has become acute,
9 regardless of what actions the prosecutor believes she needs to perform. As for witness
10 interviews, the defense has not impaired access at all. There is no legal requirement that
11 the defense "set up" interviews for the prosecution, though that can sometimes happen.
12 Rather, the failure to conduct interviews and the like is a byproduct of the intense schedule
13 that the prosecutor has been forced to manage. In the meantime, the defense recently gave
14 the prosecutor a complete waiver with respect to conversations she might wish to have
15 with any of the medical providers. Similarly, the desire of the prosecutor to set up a Frye
16 hearing is not determinative of whether a trial should be postponed; objectively and
17 factually, years have gone by. Also, the records concerning the proposed Frye hearing
18 have been in the possession of the prosecution since last year, yet now at the eleventh hour
19 the hearing is being proposed. It is too late for that. Finally, as for further subpoenas
20 duces tecum, there are two out. On one, for Mr. Dolan, Mr. Dolan has left a phone
21 message indicating there are no responsive documents. As for the other, Bank of America

1 has sent a reply that has been forwarded to the prosecutor - there were no responsive
2 records.

3
4 Respectfully submitted this 22nd day of April, 2014,

5 
6 Thomas E. Seguire, WSBA 17507
7 Attorney for Plaintiff

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Certificate of Service

I am employed in Skagit County, Washington, State of Washington. I am over the age of 18 and am not a party to the within action; my business address is 1023 South 3rd Mount Vernon, WA 98273.

On or about April 14, 2014, I served a copy of this document on the interested parties in this action in one or more of the following manner(s):

BY REGULAR MAIL: I placed copies of the document in sealed envelopes and caused such envelopes to be deposited in the United States mail with postage thereon fully prepaid and addressed as stated in the attached service list.

BY HAND DELIVERY: I placed copies of the document in sealed envelopes and caused such envelopes to be delivered by messenger to the addresses as stated on the attached service list.

BY FACSIMILE: I served the document by facsimile to the facsimile numbers stated on the attached service list by each party and/or attorney of record.

BY ELECTRONIC MAIL: I electronically transmitted copies of the document to the most recent known email address of the addressee.

OTHER: _____

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



Service List

Rosemary Kaholokula
Chief Criminal Deputy
Skagit County Pros. Atty.
605 S. 3rd Street
Mount Vernon WA 98273

FILED
 COUNTY CLERK
 2014 MAY 21 AM 11:23
 WHATCOM COUNTY
 WASHINGTON
 BY *[Signature]*

**WHATCOM COUNTY SUPERIOR COURT
 STATE OF WASHINGTON**

STATE OF WASHINGTON, Plaintiff,
 vs.

NO: 13-1-01064-2

ROSEMARY HARRIET KAMB, Defendant.

SECOND AMENDED WITNESS LIST

The following is a list of witnesses that the Prosecuting Attorney may use at the trial or hearings of the above-named defendant in the above titled cause number:

**MARK W. SHIPMAN, SERGEANT
 DAVID SHACKLETON,
 DETECTIVE
 MOUNT VERNON POLICE
 1805 CONTINENTAL PL
 MOUNT VERNON, WA 98273**

**JOHN G. KAMB, JR.
 702 MAIN STREET
 MOUNT VERNON, WA 98273**

**DOROTHY KNOTT
 611 774 GREAT NORTHERN WAY
 VANCOUVER, BC V5T1E5**

**SKAGIT STATE BANK -
 BOOKKEEPING
 P.O. BOX 285
 BURLINGTON, WA 98233**

**CAROLYN LENINGTON
 P.O. BOX 127
 BELLINGHAM, WA 98225**

**CELESTE SABERS
 601 N. 59TH STREET
 SEATTLE, WA 98103**

**THOMAS RESICK
 412 N. COMMERCIAL STREET
 BELLINGHAM, WA 98225**

**C. THOMAS MOSER ✓
 411 MAIN STREET
 MOUNT VERNON, WA 98273**

**JULIA DEHAAN
 220 W. MERCER ST. SUITE W-430
 SEATTLE,, WA 98119**

**D A DAVIDSON COMPANY
 195 E. GEORGE HOPPER ROAD
 BURLINGTON, WA 98233**

ORIGINAL

411

JOHN LEE
215 N. 15TH STREET
IMMACULATE CONCEPTION
CATHOLIC CHURCH
MOUNT VERNON, WA 98273

WHIDBEY ISLAND BANK-
BURLINGTON
P.O. BOX 302
BURLINGTON, WA 98233

SHEILA C RIDGWAY
701 FIFTH AVE., SUITE 4110
SEATTLE, WA 98104

The substance of testimony of the above witness(es) is as follows:

- See police reports and attached statements.
- The Toxicologist may testify to the effects of alcohol in addition to standard foundation issues of blood alcohol analysis or breath alcohol analysis.

The State reserves the right to supplement this witness list as necessary and to add additional witnesses as soon as practicable after a determination that the witness will be called by the State at trial.

SKAGIT COUNTY PROSECUTING ATTORNEY

Date: 5/19/14

By Rosemary H. Kaholokula
ROSEMARY H. KAHOLOKULA, WSBA #25026
CHIEF CRIMINAL DEPUTY PROSECUTOR

FILED
COUNTY CLERK

2014 APR 22 PM 3:41

WHATCOM COUNTY
WASHINGTON

BY [Signature]

**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

STATE OF WASHINGTON,

Plaintiff,

v.

ROSEMARY KAMB,

Defendant

No. 13-1-01064-2

**SUBPOENA DUCES TECUM FOR
PRODUCTION OF DOCUMENTS**

TO: Washington State Bar Association

YOU ARE COMMANDED, pursuant to Washington State Civil Rule 45(b)(2), and the authority of this court in this case, to produce the following described documents and things to the office of the undersigned counsel, on or before close of business on the following date: FRIDAY, APRIL 25 2014.

All records of any type and in any form of any types, stored in any medium, including paper, electronic, and stored on any property belonging to or under the custody and control of the Washington State Bar Association, concerning the WSBA Case # 1333898, involving Rosemary Kamb, including but not limited to the items described below:

All internal WSBA communications, including emails, text messages, paper memos and notes, analyses, reports, status reports, legal memorandum

All information designated as being unavailable for public viewing and/or nonpublic.

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Notes and summaries of meetings and conversations between WSBA personnel and any other non-WSBA personnel, including but not limited to Heidi Agnew, Art Larvie, Tom Moser, Katherine Tarraf, Dorothy Knott, Mark Shipman, and Thomas Resick, concerning the above referenced grievance.

All drafts of documents relating to analysis of the Dorothy Knott grievance authored by Kevin Bank or any other member of the WSBA.

All drafts of the Rosemary Kamb "Statement of Public Concern" filed with the Washington State Disciplinary Board.

Copies of the resumes or curriculum vitae or other similar documents pertaining to the professional credentials of Kevin Bank, Francesca D'Angelo and Vanessa Norman.

Copies of any records indicating any specialized training in finance or financial analysis or banking with respect to Kevin Bank, Francesca D'Angelo and Vanessa Norman.

All information designated as being available for public viewing and review

You are further hereby advised that you may produce such documents by paper or electronic copy on or before such date to the party listed above; further that electronic copy is strongly encouraged, and may be arranged through appropriate electronic medium. If such is desired please contact the undersigned for instruction.

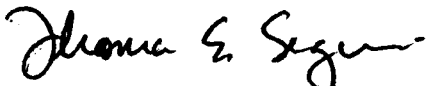
YOU ARE FURTHER ADVISED AND APPRISED of your rights under Washington law with respect to being a person receiving a subpoena, pursuant to Civil Rule 45, as set forth in the attached information sheet.

PLACE FOR RETURN OF INFORMATION REQUESTED IN SUBPOENA

LAW OFFICE TOM SEGUINE
1023 South 3rd Street
Mount Vernon WA 98273

Email: northcascadeslegal@gmail.com

RESPECTFULLY SUBMITTED April 12, 2014,



Thomas E. Seguire, WSBA # 17507

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Certificate of Service

I am employed in Skagit County, Washington, State of Washington. I am over the age of 18 and am not a party to the within action; my business address is 1023 South 3rd, Street, Mount Vernon, WA 98273.

On April 12, 2014 I served a copy of this document on the interested parties in this action in one or more of the following manner(s):

BY REGULAR MAIL: I placed copies of the document in sealed envelopes and caused such envelopes to be deposited in the United States mail with postage thereon fully prepaid and addressed as stated in the attached service list.

BY HAND DELIVERY: I placed copies of the document in sealed envelopes and caused such envelopes to be delivered by messenger to the addresses as stated on the attached service list.

BY FACSIMILE: I served the document by facsimile to the facsimile numbers stated on the attached service list by each party and/or attorney of record.

BY ELECTRONIC MAIL: I electronically transmitted copies of the document to the most recent known email address of the addressee.

OTHER: _____

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

Thomas E. Seguin

Service List:

Rosemary Kaholokula
Chief Criminal Deputy
Office of Skagit County Pros. Atty.
605 S. 3rd St.
Mount Vernon WA 98273

1 **CR 45, Sections (c) & (d):**

2 **(c) Protection of Persons Subject to Subpoenas.**

3 (1) A party or an attorney responsible for the issuance and service of a subpoena shall take
4 reasonable steps to avoid imposing undue burden or expense on a person subject to that
5 subpoena. The court shall enforce this duty and impose upon the party or attorney in
breach of this duty an appropriate sanction, which may include, but is not limited to, lost
earnings and a reasonable attorney's fee.

6 (2)(A) A person commanded to produce and permit inspection and copying of designated
7 books, papers, documents or tangible things, or inspection of premises need not appear in
person at the place of production or inspection unless commanded to appear for deposition,
hearing or trial.

8 (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit
9 inspection and copying may, within 14 days after service of subpoena or before the time
10 specified for compliance if such time is less than 14 days after service, serve upon the
11 party or attorney designated in the subpoena written objection to inspection or copying of
any or all of the designated materials or of the premises. If objection is made, the party
12 serving the subpoena shall not be entitled to inspect and copy the materials or inspect the
13 premises except pursuant to an order of the court by which the subpoena was issued. If
14 objection has been made, the party serving the subpoena may, upon notice to the person
commanded to produce and all other parties, move at any time for an order to compel the
production. Such an order to compel production shall protect any person who is not a
party or an officer of a party from significant expense resulting from the inspection and
copying commanded.

15 (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify
the subpoena if it:

16 (i) fails to allow reasonable time for compliance;

17 (ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;

18 (iii) requires disclosure of privileged or other protected matter and no exception or
19 waiver applies; or

20 (iv) subjects a person to undue burden, provided that, the court may condition
denial of the motion upon a requirement that the subpoenaing party advance the reasonable
21 cost of producing the books, papers, documents, or tangible things.

22 (B) If a subpoena

23 (i) requires disclosure of a trade secret or other confidential research, development,
or commercial information, or

1 (ii) requires disclosure of an unretained expert's opinion or information not
2 describing specific events or occurrences in dispute and resulting from the expert's study
3 made not at the request of any party, the court may, to protect a person subject to or
4 affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the
5 subpoena is issued shows a substantial need for the testimony or material that cannot be
6 otherwise met without undue hardship and assures that the person to whom the subpoena is
7 addressed will be reasonably compensated, the court may order appearance or production
8 only upon specified conditions.

9 **(d) Duties in Responding to Subpoena.**

10 (1) A person responding to a subpoena to produce documents shall produce them as they
11 are kept in the usual course of business or shall organize and label them to correspond with
12 the categories in the demand.

13 (2) When information subject to a subpoena is withheld on a claim that it is privileged or
14 subject to protection as trial preparation materials, the claim shall be made expressly and
15 shall be supported by a description of the nature of the documents, communications, or
16 things not produced that is sufficient to enable the demanding party to contest the claim.

FILED
COUNTY CLERK
2014 APR 22 PM 3:41

SCANNED

WHATCOM COUNTY
WASHINGTON

SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM

STATE OF WASHINGTON .

Plaintiff,

v.

ROSEMARY KAMB,

Defendant.

NO: 13-1-01064-2

SUBPOENA
(SB)

THE STATE OF WASHINGTON TO:

Name: Douglas Ende

Address: c/o WSBA, 1325 4th Ave., Suite 600, Seattle, WA 98101-5909

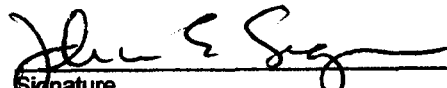
YOU ARE COMMANDED TO APPEAR:

On: Tuesday, May 6, 2014 (Date) at 9:30 AM
at Whatcom County Superior Court, Room/Department Judge Snyder
Address: 311 Grand Ave., Bellingham WA 98225

to testify in the above matter and to remain in attendance until you have given your testimony or you have been dismissed or excused by the court.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY BE CONSIDERED CONTEMPT OF COURT AND MAY RESULT IN YOUR ARREST.

Dated: 4-12-14


Signature
Thomas E. Seguire, WSBA # 17507
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98273
Phone: 360-755-1000



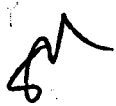
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FILED
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2014 APR 22 PM 3:41

WHATCOM COUNTY
WASHINGTON

BY _____



SUPERIOR COURT OF WASHINGTON COUNTY OF WHATCOM	
STATE OF WASHINGTON .	Plaintiff,
v.	
ROSEMARY KAMB,	Defendant.

NO: 13-1-01064-2

**SUBPOENA
(SB)**



THE STATE OF WASHINGTON TO:

Name: Kevin Bank _____

Address: c/o WSBA, 1325 4th Ave., Suite 600, Seattle, WA 98101-5909

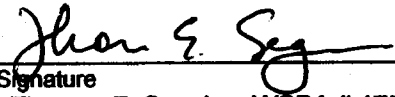
YOU ARE COMMANDED TO APPEAR:

On: Tuesday, May 6, 2014 (Date) at 9:30 AM
at Whatcom County Superior Court, Room/Department _____ Judge Snyder _____
Address: 311 Grand Ave., Bellingham WA 98225

to testify in the above matter and to remain in attendance until you have given your testimony or you have been dismissed or excused by the court.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY BE CONSIDERED CONTEMPT OF COURT AND MAY RESULT IN YOUR ARREST.

Dated: 4-12-14



Signature
Thomas E. Seguire, WSBA # 17507
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98273
Phone: 360-755-1000

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2014 APR 22 PM 3:41

WHATCOM COUNTY
WASHINGTON

BY

**SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM**

STATE OF WASHINGTON .

Plaintiff,

v.

ROSEMARY KAMB,

Defendant.

NO: 13-1-01064-2

**SUBPOENA
(SB)**

THE STATE OF WASHINGTON TO:

Name: Kevin Bank _____

Address: c/o WSBA, 1325 4th Ave., Suite 600, Seattle, WA 98101-5909

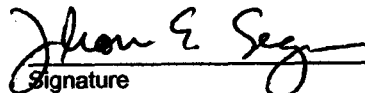
YOU ARE COMMANDED TO APPEAR:

On: Tuesday, May 6, 2014 (Date) at 9:30 AM _____
at: Whatcom County Superior Court, Room/Department _____ Judge Snyder _____
Address: 311 Grand Ave., Bellingham WA 98225 _____

to testify in the above matter and to remain in attendance until you have given your testimony or you have been dismissed or excused by the court.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY BE CONSIDERED CONTEMPT OF COURT AND MAY RESULT IN YOUR ARREST.

Dated: 4-12-14 _____



Signature
Thomas E. Seguire, WSBA # 17507 _____
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98273
Phone: 360-755-1000

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2014 APR 22 PM 3:41

WHATCOM COUNTY
WASHINGTON



**SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM**

STATE OF WASHINGTON .

Plaintiff,

NO: 13-1-01064-2

v.

**SUBPOENA
(SB)**

ROSEMARY KAMB,

Defendant.

THE STATE OF WASHINGTON TO:

Name: Francesca D'Angelo _____

Address: c/o WSBA, 1325 4th Ave., Suite 600, Seattle, WA 98101-5909

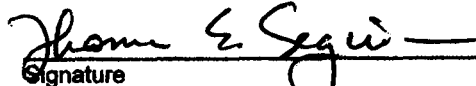
YOU ARE COMMANDED TO APPEAR:

On: Tuesday, May 6, 2014 (Date) at 9:30 AM
at: Whatcom County Superior Court, Room/Department Judge Snyder _____
Address: 311 Grand Ave., Bellingham WA 98225 _____

to testify in the above matter and to remain in attendance until you have given your testimony or you have been dismissed or excused by the court.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY BE CONSIDERED CONTEMPT OF COURT AND MAY RESULT IN YOUR ARREST.

Dated: 4-14-2014


Signature
Thomas E. Seguire, WSBA # 17507
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98273
Phone: 360-755-1000



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WHATCOM COUNTY
WASHINGTON

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**SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM**

STATE OF WASHINGTON.

Plaintiff,

v.

ROSEMARY KAMB,

Defendant.

NO: 13-1-01064-2

**SUBPOENA
(SB)**

THE STATE OF WASHINGTON TO:

Name: Vanessa Norman

Address: c/o WSBA, 1325 4th Ave., Suite 600, Seattle, WA 98101-5909

YOU ARE COMMANDED TO APPEAR:

On: Tuesday, May 6, 2014 (Date) at 9:30 AM
at: Whatcom County Superior Court, Room/Department Judge Snyder
Address: 311 Grand Ave., Bellingham WA 98225

to testify in the above matter and to remain in attendance until you have given your testimony or you have been dismissed or excused by the court.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY BE CONSIDERED CONTEMPT OF COURT AND MAY RESULT IN YOUR ARREST.

Dated: 4-14-2014

Thomas E. Seg
Signature
Thomas E. Seguire, WSBA # 17507
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98273
Phone: 360-755-1000

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1 work will have to be replicated. Counsel for the defense is a sole practitioner without
2 support staff, making such work particularly difficult. The support that has been used to
3 get these witnesses served will likely not be available if the case is rescheduled. Further,
4 as these witnesses have all indicated their general availability for the existing trial date,
5 whether they would be available at a revised time is fully unknown; going into the summer
6 months, no doubt, there will be scheduling conflicts. Additionally, as one or more
7 witnesses would need to travel, a revised date would again cause the defense to go through
8 the same drill all over again.

9 *Material witnesses have become unavailable.* The defense has already been
10 significantly prejudiced in the presentation of its case as two material witnesses have
11 become unavailable through the passage of time. Ms. Kamb's original defense case was to
12 include testimony from her sister, Elizabeth, who assisted her in managing her affairs and
13 who witnessed the deterioration of her mental and physical state, and her brother Tom,
14 who would have offered similar testimony and who additionally arranged her pickup from
15 the Skagit County jail on the day of her arrest. Both have passed away while this matter
16 was pending.

17 *Counsel's own competing schedule.* The prosecutor has made reference to her
18 workload and schedule, looking forward and back. The same considerations come into
19 play for counsel for the defense. He is managing a wide variety of other cases, all with
20 competing deadlines and duties and obligations. At this stage of this case, as this trial date
21 was set in January of 2014, counsel has dedicated two to three weeks for the trial. If this

1 matter is rescheduled, counsel's other obligations will be disrupted, and further, his ability
2 to dedicate time to this matter as has occurred to date will be significantly compromised.

3 *Loss of support assistance.* Counsel for the defense has had assistance with the
4 case through Ms. Astor Kidane, significantly assisting with the management of the large
5 number of witnesses. Ms. Kidane will shortly become unavailable. Without such support
6 defense counsel's ability to prepare for trial, in a manner satisfactory to this court, will be
7 significantly compromised. In particular, Ms. Kidane has provided cost free service on
8 many of the witnesses in this matter; without her assistance the defense will have to bear
9 the cost of paying a process server, or perhaps seek the assistance of the court in this regard
10 in ordering service through the appropriate authority – presumably the Whatcom or Skagit
County Sheriff. She will also be available to assist with various trial preparation tasks.

11 2. The discovery issues are anomalous.

12 *The "pivotal" discovery was provided to the defense in December 2013.* The State
13 suggests that it has been overrun with discovery from the defense. Between the lines is the
14 unescapable reality that the State received the bulk of the defense discovery last year.
15 Further, a central tenet of the prosecution case is that Ms. Kamb was not legitimately
16 engaging in trust administration and absconding with significant sums of money from the
17 trust. The investigation from both the bar association and the police failed to "drill down"
18 into the matter to secure documents produced by the defense indicating quite the contrary,
19 despite a series of subpoenas and search warrants, none of which were directed to Ms.
Kamb herself as trustee. One would perhaps think that such would be the first place to

1 look; indeed the prosecutor in her declaration, describing this information from disclosures
2 made in December of 2013, states “[t]his evidence is pivotal”.

3 *Discovery since January 9, 2014 has been supplemental.* The State argues it is
4 entitled to more trial preparation time by providing a litany of “new” discovery since
5 January 9, 2014, the last court date on this matter. However the documents provided to the
6 State all relate to the State’s central allegations concerning Ms. Kamb and her management
7 of the Keating trust. Moreover, vast quantities of the discovery overlap with or are
8 ancillary to information already known to the prosecution.

9 January 29, 2014 – 9 pages. These consisted of a short narrative prepared by
10 Quantum investigations detailing copying of certain items from related to the original
11 banking records of the Keating trust. The narrative is two pages. The remaining 8 pages
12 are photos of an accordion file and several views of a packet of check stubs from Mr.
13 Keating’s original Skagit State Bank checkbook. The State has alleged that Ms. Kamb
14 stole money from the trust through the Skagit State Bank account immediately following
15 Mr. Keating’s death, and further, that there was “no indication of any legitimate use” of the
16 funds for trust administration. The State never issued any process – search warrant or
17 subpoena – to secure such records.

18 February 23, 2014 – Vol IA – 126 pages. This set of discovery contains certain tax
19 records for Mr. Keating from 2009 (42 pages); a check to the estate of Paul Keating from
20 United Healthcare dated October 7, 2010 (2 pages- front and back); a copy of a check from
21 Whidbey Island Bank account 843, in the name of the Keating trust, in the amount of \$32
payable to “Medical Center” (2 pages front and back); a copy of the back copy of a

1 cashier's check payable to Pricilla Keating in the amount of \$50,000 from March 1, 2011
2 (1 page that the prosecutor already had); a blank envelope (1 page); billing statements for
3 Mr. Keating from the Skagit Valley Medical Center and checks from Whidbey Island Bank
4 signed by Rosemary Kamb paying for such bill (4 pages); a daily patient profile of Mr.
5 Keating from the Hilltop Pharmacy for 2009 (two pages); a NY Life Ins. Policy summary
6 from April 6, 2011 (4 pages); multiple copies of trust correspondence from Ms. Kamb to
7 trust beneficiaries, already possessed by the prosecution (10 pages); Davidson trust
8 account statements for March 2011 (possibly already in possession of prosecutor – 7-8
9 pages); Edward Jones trust statement for May 2011 (approx.. 6 pages); letter of R. Horak
10 on behalf of NY Life to Keating family postmarked August 10, 2011 (approx.. 5 pages);
11 Whidbey Island Bank statements for Keating trust accounts # 843 and # 694 for January,
12 May, and June 2011 (approx.. 20 pages, most of which already in possession of State);
13 copies of receipts and letters of trust correspondence from Rosemary Kamb (approx.. 10
14 pages, duplicating those in State's discovery and those described above); Woodland Park
15 Zoo webpage on "giving opportunities" dated 2/2/2011 (2 pages); further copies of trust
16 correspondence prepared by Rosemary Kamb regarding payments to beneficiaries and
17 including payment by Heidi Agnew (approx.. 10 pages and overlapping and duplicating
18 items mentioned above).

19 February 23, 2014 – Vol IB – 126 pages.

20 This second part of the documents transmitted contains receipt prepared for Pricilla
21 Keating and letter of transmittal (2 pages, prosecution already in possession of both);
Amendments to Keating Trust and Original Keating Trust documents (approx.. 43 pages,

1 already in possession of State); trust application for taxpayer identification # for or by
2 Rosemary Kamb undated (2 pages); handwritten estate planning notes, undated (approx. 10
3 pages); 2009 Wells Fargo investment account statements (approx.. 50 pages); Edward
4 Jones statement July 12, 2011 for R. Kamb as trustee of Keating Trust (4 pages); pre-
5 stamped envelope to Heidi Agnew with Pitney Bowes stamp dated Nov. 15, 2010 and
6 business card of Heidi Agnew (2 pages, believed to be in possession of prosecution
7 already); Skagit Valley Med. Center billing (2 pages) for Paul Keating; 2009 Wells Fargo
8 Keating tax documents (4 pages); Skagit Valley Med. Center billing (1 page) for Paul
9 Keating; unsigned copies of amendments to Keating trust (approx.. 5 pages, already in
10 possession of State); Davidson investments marketing materials (approx.. 5 pages); copy of
11 envelopes to and from Pricilla Keating without address and return address of Heidi Agnew
12 at Davidson (4 pages approximately, believed to already be in possession of prosecution);
13 Davidson "understanding your 2009 1099 statement" document (1 page).

13 February 28, 2014 – Retirement home records. These documents were not
14 previously provided to the defense by the prosecution. They were secured through a
15 subpoena duces tecum issued by the defense, in its investigation, to account for the events
16 immediately before and following Mr. Keating's death. There are actually 26 pages,
17 including the original 6 page subpoena. These include 2009 admission records for Mr.
18 Keating; a copy of Mr. Keating power of attorney (6 pages, already possessed by
19 prosecution); handwritten prescription drug notes from 2009 (1 page); a billing summary
20 from for the Keating account at Mountain Glen (1 page); staff notes concerning Mr.
21 Keating's health in July and August 2010 (approx.. 6 pages); emergency response

1 instructions for Mr. Keating for June 2010 incident; Skagit Valley Hospital discharge
2 record for Mr. Keating from July 6, 2010 (1 page); second emergency response record for
3 Mr. Keating for June 24, 2010.

4 March 7, 2014 – Records of Dr. Hoyt. These include the envelope from Dr. Hoyt's
5 office; a three page summary of office visits by Ms. Kamb in 2007 and 2008;
6 correspondence concerning Ms. Kamb's progress in treatment and billing (approx. 4
7 pages); handwritten description of auto accident by R. Kamb dated 9-5-2007 (4 pages,
8 event previously disclosed to prosecution); SVH records of R. Kamb from Sept. 2007
9 (approx. 5 pages, previously disclosed); Hoyt chart notes (approx. ten pages from tx in
10 2007 and 2008); Unigard certificate of disability, 8/30/2007 (approx. 5 pages); referral to
11 C. Alburto, massage therapist (one page).

12 March 7, 2014 – Records of K. Tarraf. The first six pages of the "14 pages" of new
13 discovery is a copy of the subpoena duces tecum. The remaining documents consist of
14 unsigned copies of a last will and testament for Mr. Keating dated approximately June 30,
15 2010, and an amendment to the Keating Trust of approximately the same date.

16 March 10, 2014 – Mass. Mutual records. These records consist of a supplement to
17 the original Massachusetts Mutual disability records already provided to the defense. The
18 documents consisted only of an update to the disability claim, Ms. Kamb relating to Mass
19 Mutual through her physician that she remains disabled.

20 April 2, 2014 – attorney records of Tom Moser. These records were subpoenaed
21 many months before. On January 9, 2014 Judge Snyder issued an order requiring that the

1 records be turned over, over Mr. Moser's objection. Mr. Moser did not produce them until
2 some days before April 2, 2014. According to his cover letter, he actually sent a separate
3 copy to the prosecutor. Without going into more minutia these were largely overlapping
4 with many of the other documents set forth above here, previously shared between the
5 parties in discovery.

6 April 4, 2014 WSBA records. These records consist of many, many records that
7 have nothing to do with this matter. Those that do, with the Keating trust, are largely
8 duplicative of what the police and prosecution already possess. In fact, because of WSBA
9 rules pertaining to confidentiality, the records provided pertaining to the Keating situation
10 are less than what has already been provided to the prosecution through a variety of other
11 sources.

12 April 12, 2014 – Medical Records of Rosemary Kamb. These are records from Dr.
13 Patti Bretell, a neurologist who conducted an evaluation on Ms. Kamb. The reports were
14 errantly left out of earlier reports from Skagit Valley Hospital, which had been requested
15 by the defense. These records were otherwise referenced in other parts of the medical
16 records already submitted to the State.

17 April 15, 2014 – Davidson records. These documents relate to the withdrawals and
18 activity of the Keating Davidson trust account both before and after the death of Mr.
19 Keating, and include the transfer of funds to the Whidbey Island accounts by Ms. Kamb.
20 The prosecution had virtually all of this information before hand; these items simply
21 provide another layer of detail about those fund movements.

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3. The additional witnesses do not justify a delay.

Expert on financial analysis. The expert named in the current witness list concerning financial analysis is Mr. Rekdal, who previously provided a concise declaration during the suppression proceedings. Counsel for the defense has informed the prosecution that his testimony would be consistent with that declaration, which was filed with the court about a year ago.

Expert on estate and trust administration. The State has alleged an aggravating circumstance concerning breach of a position of trust, and has named its own expert witness on this issue. The defense is only responding to this tack from the prosecution. Presumably, through its own witness and through its charging documents, the defense is well aware of the issues surrounding its own allegation. There is no surprise that the defense would want to counter such expert testimony.

Doctor named. The doctor named is Doctor Tianna Tsitsis. She was previously identified to the prosecution in reports from Skagit Valley Hospital dating back to 2007, long ago provided.

WSBA witnesses. The prosecution in its charging documents states that an investigation was conducted by both the WSBA and the Mount Vernon Police Department. Nonetheless, the prosecution somehow has failed to bring the WSBA witnesses into this case. The defense is entitled to bring the WSBA investigation into the case even if the


1 prosecution does not want to. Furthermore, the prosecution can bring its motion in limine
2 if it chooses to with the existing trial date.

3
4 4. Prosecution trial preparation.

5 The defense is certainly sympathetic to the plight of the prosecutor. In fact, the
6 defense has accommodated that plight by agreeing to certain delays, particularly those
7 related to the serious felony trial last summer. Still, on balance, as the prosecutor says,
8 over two years have elapsed here and the need to move forward has become acute,
9 regardless of what actions the prosecutor believes she needs to perform. As for witness
10 interviews, the defense has not impaired access at all. There is no legal requirement that
11 the defense "set up" interviews for the prosecution, though that can sometimes happen.
12 Rather, the failure to conduct interviews and the like is a byproduct of the intense schedule
13 that the prosecutor has been forced to manage. In the meantime, the defense recently gave
14 the prosecutor a complete waiver with respect to conversations she might wish to have
15 with any of the medical providers. Similarly, the desire of the prosecutor to set up a Frye
16 hearing is not determinative of whether a trial should be postponed; objectively and
17 factually, years have gone by. Also, the records concerning the proposed Frye hearing
18 have been in the possession of the prosecution since last year, yet now at the eleventh hour
19 the hearing is being proposed. It is too late for that. Finally, as for further subpoenas
20 duces tecum, there are two out. On one, for Mr. Dolan, Mr. Dolan has left a phone
21 message indicating there are no responsive documents. As for the other, Bank of America

1 has sent a reply that has been forwarded to the prosecutor - there were no responsive
2 records.

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4 Respectfully submitted this 22nd day of April, 2014,

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6 Thomas E. Seguire, WSBA 17507
7 Attorney for Plaintiff

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Certificate of Service

I am employed in Skagit County, Washington, State of Washington. I am over the age of 18 and am not a party to the within action; my business address is 1023 South 3rd Mount Vernon, WA 98273.

On or about April 12, 2014, I served a copy of this document on the interested parties in this action in one or more of the following manner(s):

BY REGULAR MAIL: I placed copies of the document in sealed envelopes and caused such envelopes to be deposited in the United States mail with postage thereon fully prepaid and addressed as stated in the attached service list.

BY HAND DELIVERY: I placed copies of the document in sealed envelopes and caused such envelopes to be delivered by messenger to the addresses as stated on the attached service list.

BY FACSIMILE: I served the document by facsimile to the facsimile numbers stated on the attached service list by each party and/or attorney of record.

BY ELECTRONIC MAIL: I electronically transmitted copies of the document to the most recent known email address of the addressee.

OTHER: _____

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



Service List

Rosemary Kaholokula
Chief Criminal Deputy
Skagit County Pros. Atty.
605 S. 3rd Street
Mount Vernon WA 98273

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**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

STATE OF WASHINGTON, <div style="text-align: right;">Plaintiff,</div> v. ROSEMARY KAMB, <div style="text-align: right;">Defendant</div>	No. 13-1-01064-2 SUBPOENA DUCES TECUM FOR PRODUCTION OF DOCUMENTS
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TO: James Dolan, Attorney at Law

YOU ARE COMMANDED, pursuant to Washington State Civil Rule 45(b)(2), and the authority of this court in this case, to produce the following described documents and things to the office of the undersigned counsel, on or before close of business on the following date: FRIDAY, APRIL 25 2014.

All records of any type and in any form of any types of communications you may have had with any person, including but not limited to agents and representatives of the Washington State Bar Association and Mount Vernon Police Department, including Francesca D'Angelo, Kevin Bank, Vanessa Norman, Mark Shipman, or any Skagit County attorney, and additionally including Thomas Resick, and Dorothy Knott, concerning Rosemary Kamb from January 2010 through January 2012.

This subpoena specifically includes the following items:

21

- 1 ➤ Notes, letters, memos, bills, and legal documents.
- 2 ➤ Phone calls and phone messages; voice mails; text messages.
- 3 ➤ Emails, Facebook or other social media style or type messages or documents.

4 You are further hereby advised that you may produce such documents by paper or
5 electronic copy on or before such date to the party listed above; further that electronic copy
6 is strongly encouraged, and may be arranged through appropriate electronic medium. If
7 such is desired please contact the undersigned for instruction.

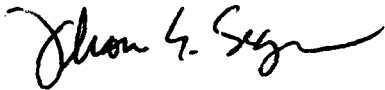
8 **YOU ARE FURTHER ADVISED AND APPRISED** of your rights under Washington
9 law with respect to being a person receiving a subpoena, pursuant to Civil Rule 45, as
10 set forth in the attached information sheet.

11 PLACE FOR RETURN OF INFORMATION REQUESTED IN SUBPOENA

12 LAW OFFICE TOM SEGUINE
13 1023 South 3rd Street
14 Mount Vernon WA 98273

15 Email: northcascadeslegal@gmail.com

16 RESPECTFULLY SUBMITTED April 11, 2014,

17 

18 Thomas E. Seguire, WSBA # 17507

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BY ELECTRONIC MAIL: I electronically transmitted copies of the document to the most recent known email address of the addressee.

OTHER: _____

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

Thomas E Seguin

Service List:

Rosemary Kaholokula
Chief Criminal Deputy
Office of Skagit County Pros. Atty.
605 S. 3rd St.
Mount Vernon WA 98273

1 **CR 45, Sections (c) & (d):**

2 **(c) Protection of Persons Subject to Subpoenas.**

3 (1) A party or an attorney responsible for the issuance and service of a subpoena shall take
4 reasonable steps to avoid imposing undue burden or expense on a person subject to that
5 subpoena. The court shall enforce this duty and impose upon the party or attorney in
breach of this duty an appropriate sanction, which may include, but is not limited to, lost
earnings and a reasonable attorney's fee.

6 (2)(A) A person commanded to produce and permit inspection and copying of designated
7 books, papers, documents or tangible things, or inspection of premises need not appear in
person at the place of production or inspection unless commanded to appear for deposition,
hearing or trial.

8 (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit
9 inspection and copying may, within 14 days after service of subpoena or before the time
10 specified for compliance if such time is less than 14 days after service, serve upon the
11 party or attorney designated in the subpoena written objection to inspection or copying of
any or all of the designated materials or of the premises. If objection is made, the party
12 serving the subpoena shall not be entitled to inspect and copy the materials or inspect the
13 premises except pursuant to an order of the court by which the subpoena was issued. If
14 objection has been made, the party serving the subpoena may, upon notice to the person
commanded to produce and all other parties, move at any time for an order to compel the
production. Such an order to compel production shall protect any person who is not a
party or an officer of a party from significant expense resulting from the inspection and
copying commanded.

15 (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify
the subpoena if it:

16 (i) fails to allow reasonable time for compliance;

17 (ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;

18 (iii) requires disclosure of privileged or other protected matter and no exception or
19 waiver applies; or

20 (iv) subjects a person to undue burden, provided that, the court may condition
denial of the motion upon a requirement that the subpoenaing party advance the reasonable
21 cost of producing the books, papers, documents, or tangible things.

22 (B) If a subpoena

23 (i) requires disclosure of a trade secret or other confidential research, development,
or commercial information, or

1 (ii) requires disclosure of an unretained expert's opinion or information not
2 describing specific events or occurrences in dispute and resulting from the expert's study
3 made not at the request of any party, the court may, to protect a person subject to or
4 affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the
5 subpoena is issued shows a substantial need for the testimony or material that cannot be
6 otherwise met without undue hardship and assures that the person to whom the subpoena is
7 addressed will be reasonably compensated, the court may order appearance or production
8 only upon specified conditions.

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11 **(d) Duties in Responding to Subpoena.**

12 (1) A person responding to a subpoena to produce documents shall produce them as they
13 are kept in the usual course of business or shall organize and label them to correspond with
14 the categories in the demand.

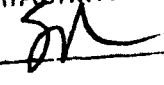
15 (2) When information subject to a subpoena is withheld on a claim that it is privileged or
16 subject to protection as trial preparation materials, the claim shall be made expressly and
17 shall be supported by a description of the nature of the documents, communications, or
18 things not produced that is sufficient to enable the demanding party to contest the claim.
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**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

STATE OF WASHINGTON,

Plaintiff,

v.

ROSEMARY KAMB,

Defendant

No. 13-1-01064-2

**SUBPOENA DUCES TECUM FOR
PRODUCTION OF DOCUMENTS**

**TO: Records Custodian, D.A. Davidson
c/o Joan M. Schroeder
320 Dayton Str., Ste. 280
Edmonds WA 98020-3591**

YOU ARE COMMANDED, pursuant to Washington State Civil Rule 45(b)(2), and the authority of this court in this case, to produce the following described documents and things to the office of the undersigned counsel, , on or before close of business on the following date: FRIDAY, APRIL 18, 2014.

Between July 2010 and June 2011, and excepting monthly account statements, any and all records, in any form, including specifically all records stored in any manner, including electronically, pertaining to or relating to Paul Keating, or the estate of Paul Keating, or the Paul Keating Trust, Rosemary Kamb, or Dorothy Knott, the Washington State Bar Association (WSBA), Kevin M. Bank, Francesca D'Angelo, Heidi Agnew or Art Larvie, including but not limited to the following items:

**SUBPOENA DUCES TECUM FOR DOCUMENT
PRODUCTION - D.A. DAVIDSON**

1 of 6.

**LAW OFFICE OF TOM SEGUINE
1023 South Third
Mount Vernon, WA 98273
360-755-1000**



- 1 ➤ Notes, letters, memos, bills, legal documents including powers of attorney and
2 other estate planning documents, which relate in any way to Paul Keating, or
3 the estate of Paul Keating, or the Paul Keating Trust, Rosemary Kamb, or
4 Dorothy Knott, the Washington State Bar Association (WSBA), Kevin M.
5 Bank, Francesca D'Angelo, Heidi Agnew and Art Larvie.
- 6 ➤ Checks, drafts, or other papers or materials, either to or from Paul Keating, or
7 on behalf of Paul Keating, or on behalf of the estate of Paul Keating, or the Paul
8 Keating Trust, relating in any way to Paul Keating, or the estate of Paul
9 Keating, or the Paul Keating Trust, Rosemary Kamb, or Dorothy Knott or
10 Dorothy Knott, the Washington State Bar Association (WSBA), Kevin M.
11 Bank, Francesca D'Angelo, Heidi Agnew and Art Larvie, from any person.
- 12 ➤ Phone records of any type, including the records of any phone calls from
13 individual, office or cell phones, from Paul Keating, or on behalf of Paul
14 Keating, or on behalf of the Paul Keating estate, or the Paul Keating Trust,
15 Rosemary Kamb, or Dorothy Knott, the Washington State Bar Association
16 (WSBA), Kevin M. Bank, Francesca D'Angelo, Heidi Agnew and Art Larvie..
- 17 ➤ Written or recorded statements, of any type unredacted, pertaining to or in any
18 way relating to Paul Keating, the estate of Paul Keating, and the Paul Keating
19 Trust, or otherwise related in any way to any legal, financial or trust services
20 provided to Paul Keating, Rosemary Kamb, or Dorothy Knott, the Washington
21 State Bar Association (WSBA), Kevin M. Bank, Francesca D'Angelo, Heidi
22 Agnew and Art Larvie.
- 23 ➤ Records of any securities orders or transactions related in any manner to Paul
24 Keating, the estate of Paul Keating, and Keating Trust, Rosemary Kamb, or
Dorothy Knott, the Washington State Bar Association (WSBA), Kevin M.
Bank, Francesca D'Angelo, Heidi Agnew and Art Larvie, including but not
limited to orders to purchase, sell, transfer, reregister or redeem securities of
any type, including any type of security, fixed income, equity, or any derivative
thereof.
- Records of any fees or commissions for management of accounts, including
sales costs, fees and commissions, of any type, relating to Paul Keating, the
estate of Paul Keating, and the Keating Trust, Rosemary Kamb, or Dorothy
Knott.

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22 electronic copy on or before such date to the party listed above; further that electronic
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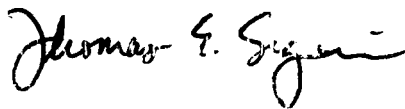
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5 LAW OFFICE TOM SEGUINE
6 1023 South 3rd Street
7 Mount Vernon WA 98273

8 Email: northcascadeslegal@gmail.com

9 RESPECTFULLY SUBMITTED March 24, 2014,

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11 Thomas E. Seguire, WSBA # 17507

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Certificate of Service

I am employed in Skagit County, Washington, State of Washington. I am over the age of 18 and am not a party to the within action; my business address is 1023 South 3rd, Street, Mount Vernon, WA 98273.

On March 25, 2014 I served a copy of this document on the interested parties in this action in one or more of the following manner(s):

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OTHER: _____

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

Thomas E. Seguin

Service List:

Rosemary Kaholokula
Chief Criminal Deputy
Office of Skagit County Pros. Acty.
605 S. 3rd St.
Mount Vernon WA 98273

1 **CR 45, Sections (c) & (d):**

2 **(c) Protection of Persons Subject to Subpoenas.**

3 (1) A party or an attorney responsible for the issuance and service of a subpoena shall take
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5 subpoena. The court shall enforce this duty and impose upon the party or attorney in
breach of this duty an appropriate sanction, which may include, but is not limited to, lost
earnings and a reasonable attorney's fee.

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10 party or attorney designated in the subpoena written objection to inspection or copying of
any or all of the designated materials or of the premises. If objection is made, the party
11 serving the subpoena shall not be entitled to inspect and copy the materials or inspect the
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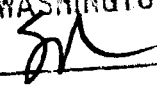
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**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

STATE OF WASHINGTON,

Plaintiff,

v.

ROSEMARY KAMB,

Defendant

No. 13-1-01064-2

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PRODUCTION OF DOCUMENTS

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LAW OFFICE OF TOM SEGUINE
1023 South Third
Mount Vernon, WA 98273
360-755-1000



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7 on behalf of Paul Keating, or on behalf of the estate of Paul Keating, or the Paul
8 Keating Trust, relating in any way to Paul Keating, or the estate of Paul
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16 (WSBA), Kevin M. Bank, Francesca D'Angelo, Heidi Agnew and Art Larvie..

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18 way relating to Paul Keating, the estate of Paul Keating, and the Paul Keating
19 Trust, or otherwise related in any way to any legal, financial or trust services
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28 any type, including any type of security, fixed income, equity, or any derivative
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- 30 ➤ Records of any fees or commissions for management of accounts, including
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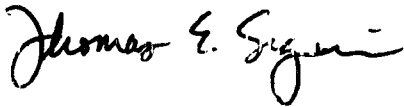
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5 LAW OFFICE TOM SEGUINE
6 1023 South 3rd Street
7 Mount Vernon WA 98273

8 Email: northcascadeslegal@gmail.com

9 RESPECTFULLY SUBMITTED March 24, 2014,

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11 Thomas E. Seguire, WSBA # 17507

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Certificate of Service

I am employed in Skagit County, Washington, State of Washington. I am over the age of 18 and am not a party to the within action; my business address is 1023 South 3rd, Street, Mount Vernon, WA 98273.

On March 25, 2014 I served a copy of this document on the interested parties in this action in one or more of the following manner(s):

BY REGULAR MAIL: I placed copies of the document in sealed envelopes and caused such envelopes to be deposited in the United States mail with postage thereon fully prepaid and addressed as stated in the attached service list.

BY HAND DELIVERY: I placed copies of the document in sealed envelopes and caused such envelopes to be delivered by messenger to the addresses as stated on the attached service list.

BY FACSIMILE: I served the document by facsimile to the facsimile numbers stated on the attached service list by each party and/or attorney of record.

BY ELECTRONIC MAIL: I electronically transmitted copies of the document to the most recent known email address of the addressee.

OTHER: _____

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

Thomas E. Seguin

Service List:

Rosemary Kaholokula
Chief Criminal Deputy
Office of Skagit County Pros. Atty.
605 S. 3rd St.
Mount Vernon WA 98273

1 **CR 45, Sections (c) & (d):**

2 **(c) Protection of Persons Subject to Subpoenas.**

3 (1) A party or an attorney responsible for the issuance and service of a subpoena shall take
4 reasonable steps to avoid imposing undue burden or expense on a person subject to that
5 subpoena. The court shall enforce this duty and impose upon the party or attorney in
breach of this duty an appropriate sanction, which may include, but is not limited to, lost
earnings and a reasonable attorney's fee.

6 (2)(A) A person commanded to produce and permit inspection and copying of designated
7 books, papers, documents or tangible things, or inspection of premises need not appear in
person at the place of production or inspection unless commanded to appear for deposition,
hearing or trial.

8 (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit
9 inspection and copying may, within 14 days after service of subpoena or before the time
specified for compliance if such time is less than 14 days after service, serve upon the
10 party or attorney designated in the subpoena written objection to inspection or copying of
any or all of the designated materials or of the premises. If objection is made, the party
11 serving the subpoena shall not be entitled to inspect and copy the materials or inspect the
premises except pursuant to an order of the court by which the subpoena was issued. If
12 objection has been made, the party serving the subpoena may, upon notice to the person
commanded to produce and all other parties, move at any time for an order to compel the
13 production. Such an order to compel production shall protect any person who is not a
party or an officer of a party from significant expense resulting from the inspection and
14 copying commanded.

15 (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify
the subpoena if it:

16 (i) fails to allow reasonable time for compliance;

17 (ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;

18 (iii) requires disclosure of privileged or other protected matter and no exception or
waiver applies; or

19 (iv) subjects a person to undue burden, provided that, the court may condition
20 denial of the motion upon a requirement that the subpoenaing party advance the reasonable
cost of producing the books, papers, documents, or tangible things.

21 (B) If a subpoena

22 (i) requires disclosure of a trade secret or other confidential research, development,
23 or commercial information, or

1 (ii) requires disclosure of an unretained expert's opinion or information not
2 describing specific events or occurrences in dispute and resulting from the expert's study
3 made not at the request of any party, the court may, to protect a person subject to or
4 affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the
5 subpoena is issued shows a substantial need for the testimony or material that cannot be
6 otherwise met without undue hardship and assures that the person to whom the subpoena is
7 addressed will be reasonably compensated, the court may order appearance or production
8 only upon specified conditions.

9 **(d) Duties in Responding to Subpoena.**

10 (1) A person responding to a subpoena to produce documents shall produce them as they
11 are kept in the usual course of business or shall organize and label them to correspond with
12 the categories in the demand.

13 (2) When information subject to a subpoena is withheld on a claim that it is privileged or
14 subject to protection as trial preparation materials, the claim shall be made expressly and
15 shall be supported by a description of the nature of the documents, communications, or
16 things not produced that is sufficient to enable the demanding party to contest the claim.

SCANNED 1

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2014 MAR 26 AM 11:27

WHATCOM COUNTY
WASHINGTON

BY SL

**SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM**

STATE OF WASHINGTON .

Plaintiff,

v.

ROSEMARY KAMB,

Defendant.

NO: 13-1-01064-2
**SUBPOENA
(SB)**

THE STATE OF WASHINGTON TO:

Name: Art Larvie, D.A. Davidson
Address: c/o Joan M. Schroeder
320 Dayton St., Suite 280
Edmonds, WA 98020-3591

YOU ARE COMMANDED TO APPEAR:

On: Tuesday, May 6, 2014 (Date) at 9:30 AM
at Whatcom County Superior Court, Room/Department Judge Snyder
Address: 311 Grand Ave., Bellingham WA 98225

to testify in the above matter and to remain in attendance until you have given your testimony or you have been dismissed or excused by the court.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY BE CONSIDERED CONTEMPT OF COURT AND MAY RESULT IN YOUR ARREST.

Dated: 3-25-14

Thomas E. Segura
Signature
Thomas E. Segura, WSBA # 17507
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98275
Phone: 360-755-1000

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WHATCOM COUNTY
WASHINGTON

BY SA

**SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM**

STATE OF WASHINGTON .

Plaintiff,

v.

ROSEMARY KAMB,

Defendant.

NO: 13-1-01064-2

**SUBPOENA
(SB)**

THE STATE OF WASHINGTON TO:

Name: Heidi Agnew, D.A. Davidson

Address: c/o Joan M. Schroeder

320 Dayton St., Suite 280

Edmonds, WA 98020-3591

YOU ARE COMMANDED TO APPEAR:

On: Tuesday, May 6, 2014 (Date) at 9:30 AM

at: Whatcom County Superior Court, Room/Department Judge Snyder

Address: 311 Grand Ave., Bellingham WA 98225

to testify in the above matter and to remain in attendance until you have given your testimony or you have been dismissed or excused by the court.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY BE CONSIDERED CONTEMPT OF COURT AND MAY RESULT IN YOUR ARREST.

Dated: 3-25-14

Thomas E. Segina
Signature
Thomas E. Segina, WSBA # 17507
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 96273
Phone: 360-755-1000

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IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOMB

STATE OF WASHINGTON,

Plaintiff,

v.

ROSEMARY KAMB,

Defendant

No. 13-1-01064-2

SUBPOENA DUCES TECUM FOR
PRODUCTION OF DOCUMENTS

TO: Katherine Tarraf
Attorney at Law
702 Main Street
Mount Vernon WA 98273

YOU ARE COMMANDEED pursuant to Washington State Civil Rule 45(b)(2), and the authority of this court in this case, to produce the following described documents and things to the office of the undersigned counsel, on or before close of business on the following date: MONDAY, MARCH 18, 2014.

Any and all records, in any form, including specifically all records stored in any manner, including electronically, pertaining to or relating to Paul Keating, or the estate of Paul Keating, or the Paul Keating Trust, Rosemary Kamb, or Dorothy Knott, including but not limited to the following items:

- Notes, letters, memos, bills, legal documents including powers of attorney and other estate planning documents, including drafts of such documents which

SUBPOENA DUCES TECUM FOR DOCUMENT
PRODUCTION - K. TARRAF

1 of 6.

LAW OFFICE OF TOM SEGUINE
1023 South Third
Mount Vernon, WA 98273
360-755-1000

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1 relate in any way to Paul Keating, or the estate of Paul Keating, or the Paul
2 Keating Trust, Rosemary Kamb, or Dorothy Knott

3 ➤ Checks, drafts, or other papers or materials, either to or from Paul Keating, or
4 on behalf of Paul Keating, or on behalf of the estate of Paul Keating, or the Paul
5 Keating Trust, relating in any way to Paul Keating, or the estate of Paul
6 Keating, or the Paul Keating Trust, Rosemary Kamb, or Dorothy Knott or
7 Dorothy Knott, from any person.

8 ➤ Phone records, including the records of any phone calls from individual, office
9 or cell phones, from Paul Keating, or on behalf of Paul Keating, or on behalf of
10 the Paul Keating estate, or the Paul Keating Trust, Rosemary Kamb, or Dorothy
11 Knott

12 ➤ Agreements for the provision of legal services; bills for legal services,
13 unredacted, and including all time entries, pertaining to or in any way relating
14 to Paul Keating, the estate of Paul Keating, and the Paul Keating Trust, or
15 otherwise related in any way to any legal services provided to Paul Keating,
16 Rosemary Kamb, or Dorothy Knott

17 ➤ Any other records of any payments received for legal services related in any
18 manner to Paul Keating, the estate of Paul Keating, and Keating Trust,
19 Rosemary Kamb, or Dorothy Knott

20 ➤ Records of any communications made electronically with any person
21 concerning Paul Keating, the estate of Paul Keating, and the Keating Trust,
22 Rosemary Kamb, or Dorothy Knott, including text messages.

23 ➤ Records of any other form of communications with any person concerning
24 Paul Keating, the estate of Paul Keating, and the Keating Trust, Rosemary
Kamb, or Dorothy Knott.

18 You are further hereby advised that you may produce such documents by paper or electronic copy on or
19 before such date to the party who has filed the subpoena copy is a highly encouraged, and may be
20 arranged through the court's website. If you do not wish to do so, please contact the undersigned for
21 instruction.

22 YOU ARE FURTHER ADVISED OF your rights under Washington law with
23 respect to being a person receiving a subpoena, pursuant to Civil Rule 41, as set forth in the attached
24 information sheet.

1 PLACE FOR RETURN OF INFORMATION REQUESTED IN SUBPOENA

2 LAW OFFICE TOM SEGUINE

1023 South 3rd Street

3 Mount Vernon WA 98273

4 Email: northcascadestegal@gmail.com

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RESPECTFULLY SUBMITTED: May 14, 2014

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Thomas E. Seguire WSBA # 17507

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SUBPOENA DUCES TECUM FOR DOCUMENT
PRODUCTION - K. TARRAF

3 of 6.

LAW OFFICE OF TOM SEGUINE
1023 South Third
Mount Vernon, WA 98273
360-755-1000

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Certificate of Service

I am employed in Skagit County, Washington, State of Washington. I am over the age of 18 and am not a party to the within action; my business address is 1023 South 3rd, Street, Mount Vernon, WA 98273

On March 5, 2014 I served a copy of this document on the interested parties in this action in one or more of the following manner(s):

BY REGULAR MAIL: I placed copies of the document in sealed envelopes and caused such envelopes to be deposited in the United States mail with postage thereon fully prepaid and addressed as stated in the attached service list.

BY HAND DELIVERY: I placed copies of the document in sealed envelopes and caused such envelopes to be delivered by messenger to the addresses as stated on the attached service list.

BY FACSIMILE: I served the document by facsimile to the facsimile numbers stated on the attached service list by each party and/or attorney of record.

BY ELECTRONIC MAIL: I electronically transmitted copies of the document to the MOST RECENT KNOWN EMAIL ADDRESS OF THE ADDRESSEE.

OTHER: _____

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

Thomas E. Seguire

Service List:

Rosemary Kabolokala
Chief Criminal Deputy
Office of Skagit County Pros. Atty.
605 S. 3rd St.
Mount Vernon WA 98273

1
2 **CR 45, Sections (c) & (d):**

3 **(c) Protection of Persons Subject to Subpoenas.**

4 (1) A party or an attorney responsible for the issuance and service of a subpoena shall take
5 reasonable steps to avoid imposing undue burden or expense on a person subject to that
6 subpoena. The court shall enforce this duty and impose upon the party or attorney in
7 breach of this duty an appropriate sanction, which may include, but is not limited to, lost
8 earnings and a reasonable attorney's fee.

9 (2)(A) A person commanded to produce and permit inspection and copying of designated
10 books, papers, documents or tangible things, or inspection of premises need not appear in
11 person at the place of production or inspection unless commanded to appear for deposition,
12 hearing or trial.

13 (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit
14 inspection and copying may, within 14 days after service of subpoena or before the time
15 specified for compliance if such time is less than 14 days after service, serve upon the
16 party or attorney designated in the subpoena written objection to inspection or copying of
17 any or all of the designated materials or of the premises. If objection is made, the party
18 serving the subpoena shall not be entitled to inspect and copy the materials or inspect the
19 premises except pursuant to an order of the court by which the subpoena was issued. If
20 objection has been made, the party serving the subpoena may, upon notice to the person
21 commanded to produce and all other parties, move at any time for an order to compel the
22 production. Such an order to compel production shall protect any person who is not a
23 party or an officer of a party from significant expense resulting from the inspection and
24 copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify
the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;

(iii) requires disclosure of privileged or other protected matter and no exception or
waiver applies; or

(iv) subjects a person to undue burden, provided that the court may condition
denial of the motion upon a requirement that the subpoenaing party advance the reasonable
cost of producing the books, papers, documents, or tangible things.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development,
or commercial information; or

1 (ii) requires disclosure of an unretained expert's opinion or information not
2 describing specific events or occurrences in dispute and resulting from the expert's study
3 made not at the request of any party, the court may, to protect a person subject to or
4 affected by the subpoena, quash or modify the subpoena or if the party in whose behalf the
5 subpoena is issued shows a substantial need for the testimony or material that cannot be
6 otherwise met without undue hardship and assures that the person to whom the subpoena is
7 addressed will be reasonably compensated, the court may order appearance or production
8 only upon specified conditions.

9 **(d) Duties in Responding to Subpoena.**

10 (1) A person responding to a subpoena to produce documents shall produce them as they
11 are kept in the usual course of business or shall organize and label them to correspond with
12 the categories in the demand.

13 (2) When information subject to a subpoena is withheld on a claim that it is privileged or
14 subject to protection as trial-preparatory materials, the claim shall be made expressly and
15 shall be supported by a description of the nature of the documents, communications, or
16 things not produced that is sufficient to enable the demanding party to contest the claim.

SCANNED

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WHATCOM COUNTY
WASHINGTON

BY M

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT

STATE OF WASHINGTON,

Plaintiff,

Vs.

ROSEMARY KAMB,

Defendant.

)
) No: 13-1-01064-2

) **DECLARATION OF SERVICE VIA**
) **FIRST CLASS MAIL**

I certify under penalty of perjury under the laws of the state of Washington that I am over the age of eighteen years and not a party to this action. I certify that on December 10, 2013, I caused to be delivered, via First Class Mail, postage prepaid, a copy of an Objection to Subpoena to the parties listed below, at their addresses of record on the date listed below.

Tom Seguire, Attorney
1023 South Third
Mount Vernon, WA 98273

Rosemary Kaholokula, Prosecutor
Skagit County Prosecutor's Office
Courthouse Annex
605 S. Third
Mount Vernon, WA 98273

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct and that this declaration was executed at Mount Vernon, Washington.

DECLARATION OF SERVICE VIA
FIRST CLASS MAIL - 1

C. Thomas Moser, WSBA #7287
1204 Cleveland Avenue
Mount Vernon, WA 98273
360-428-7900

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DATED this 10 day of December, 2013.

Toni Riedell

Toni Riedell

DECLARATION OF SERVICE VIA
FIRST CLASS MAIL - 2

C. Thomas Moser, WSBA #7287
1204 Cleveland Avenue
Mount Vernon, WA 98273
360-428-7900

SCANNED

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COUNTY CLERK

2013 DEC 11 PM 12:05

WHATCOM COUNTY
WASHINGTON

BY M

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM

STATE OF WASHINGTON,)
)
Plaintiff,)
)
Vs.)
)
ROSEMARY KAMB,)
)
Defendant)
)

No: 13-1-01064-2

OBJECTION TO SUBPOENA

COMES NOW C. Thomas Moser pursuant to CR 45(c) and does object to the Subpoena
Duces Tecum For Production of Documents dated December 6, 2013 issued by Thomas Seguine,
attorney for Defendant. The Subpoena is attached hereto.


The basis for the objection is that if it is determined that Paul Keating was my client, then
I have a duty to not disclose the contents of my file. I did not consider Paul Keating to be a client
and I did not bill him or any other person for my time. He consulted with me, but I do not
practice law in the area of legal work he was seeking. But I am aware that my determination of
his status does not mean that under the law it may be determined he was a client.

Therefore I request a court determination concerning my responsibility in disclosing the
contents of my file to either party in this matter. I do not wish to hinder or delay either party to

2

1 this proceeding. I have no interest in this criminal proceeding other than to make sure that my
2 file is disclosed by court order if that is what the court determines I should do.

3 DATED this 9 day of December 2013.

4 
5 _____
6 C. Thomas Moser, WSBA #7287

FILED
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SCANNED 51

2014 APR 25 PM 3:13

WHATCOM COUNTY
WASHINGTON

BY M

STATE OF WASHINGTON
WHATCOM COUNTY SUPERIOR COURT

State of Washington,
Plaintiff,
v.
Rosemary Kamb
Defendant.

No. 13-1-01064-2

**OBJECTION TO
SUBPOENA/MOTION TO QUASH
OR FOR PROTECTIVE ORDER**

The Washington State Bar Association ("WSBA") hereby objects to the subpoena duces tecum dated April 12, 2014,¹ and the four trial subpoenas (to WSBA Chief Disciplinary Counsel Douglas Ende, Senior Disciplinary Counsel Kevin Bank, Disciplinary Counsel Francesca D'Angelo, and Investigator Vanessa Norman), dated April 14, 2014,² issued by Thomas Seguine, attorney for defendant Rosemary Kamb. WSBA respectfully requests that the Court quash the

¹ April 12, 2014, was a Saturday.

² Two of the subpoenas actually bear the date of January 17, 2014, which may be a typographical error; in any event, they were all sent together to undersigned counsel by regular mail and email on Saturday, April 12, 2014.

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1 subpoenas in their entirety or, in the alternative, enter a protective order limiting
2 their scope.

3 I. BACKGROUND

4 Rosemary Kamb is a member of the WSBA. As a matter of public record,
5 Ms. Kamb has been the subject of disciplinary proceedings before the WSBA. As a
6 result of one such proceeding, the Washington Supreme Court suspended
7 Ms. Kamb from the practice of law for a year, effective March 9, 2010. *See* WSBA
8 Discipline Notice-Rosemary Kamb,
9 <https://www.mywsba.org/DisciplineNotice/DisciplineDetail.aspx?dID=1461>.

10 During the pendency of a subsequent disciplinary proceeding that was taking
11 place during Ms. Kamb's suspension, Ms. Kamb went on "disability inactive"
12 status, which is her current status with the WSBA. *See* WSBA Lawyer Profile-
13 Rosemary Kamb,
14 https://www.mywsba.org/LawyerDirectory/LawyerProfile.aspx?Usr_ID=16532.

15 On March 5, 2014, defense counsel called and sent an email to WSBA's
16 General Counsel, to say that he intended to issue a subpoena duces tecum to the
17 WSBA for documents related to WSBA's investigation of Ms. Kamb, and to issue
18 trial subpoenas to two WSBA disciplinary counsel, Francesca D'Angelo and Kevin
19 Bank. The matter was referred to undersigned WSBA counsel to respond to
20 defense counsel. Undersigned counsel spoke to defense counsel on March 6, 2014,
21 and explained that access to disciplinary information is strictly regulated by the
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1 Rules for Enforcement of Lawyer Conduct (ELC). WSBA offered to provide the
2 defendant with a complete copy of the public file on all of Ms. Kamb's disciplinary
3 matters with the WSBA without the need for a subpoena, but further explained
4 that WSBA could not disclose records that constitute confidential disciplinary
5 information as defined in the ELC in response to a subpoena, nor could
6 disciplinary counsel testify to anything that was not public disciplinary
7 information in response to a subpoena. That same day, WSBA sent the defendant
8 the public documents on Ms. Kamb's disciplinary matters, constituting more than
9 1,700 pages. See Declaration of Kirsten Schimpff (filed herewith) ("Schimpff
10 Decl.") at ¶¶ 2-3.

13 Counsel for WSBA and the defense spoke again during the week of March
14 24, 2014, and defense counsel indicated that the defendant still intended to move
15 forward with issuing the subpoenas. Schimpff Decl. at ¶ 4.

17 Counsel for WSBA and the defense spoke again during the week of April 7,
18 2014, and WSBA notified defense counsel that if his client were to sign a written
19 waiver pursuant to amended ELC 3.4(c) authorizing WSBA to release otherwise
20 confidential disciplinary information to defense counsel, WSBA would review its
21 non-public files to see if there were additional non-privileged documents that it
22 would be willing to release in its discretion to do so. Knowing that it was the
23 defendant's intention to use the information in the upcoming criminal trial, WSBA
24 also suggested that defense counsel might consider having his client authorize
25

1 disclosure of the records to the prosecution to facilitate fulfilling the defendant's
2 discovery obligations.³ Defense counsel said that he would send a written waiver
3 from his client, and WSBA began to review its files with an eye toward producing
4 otherwise confidential records pursuant to the anticipated written waiver and
5 authorization. Schimpff Decl. at ¶ 5.

7 Nevertheless, although the defendant did sign a written waiver under ELC
8 3.4(c), the defendant also issued a subpoena duces tecum pursuant to CR 45 for
9 WSBA's records relating to its investigation involving the Keating trust and the
10 complaint of Ms. Knott,⁴ along with trial subpoenas for four WSBA employees.
11 See Exhibit A to Schimpff Decl. On April 16, 2014, WSBA sent the defendant the
12 additional non-privileged documents on the Keating/Knott matter that were not
13 part of its initial March 6th production of the public disciplinary documents
14 (because they constitute confidential disciplinary information). See Exhibit B to
15

18 ³ WSBA was not making this "request" "on behalf of the prosecution," as the defendant asserts in
19 the cover letter accompanying the subpoenas. Exhibit A to Schimpff Decl. Rather, WSBA was
20 merely anticipating that the prosecution might also reasonably request the same records that
21 WSBA provided to the defendant. And, without this written authorization, WSBA would not be
22 able to provide the records to the prosecution under ELC 3.4(c), thus potentially triggering
23 discovery disputes and litigation which, WSBA assumed, both parties to the criminal matter would
rather avoid if possible. As it turns out, however, to the extent the non-public files contain
confidential client information, ELC 3.4(c) does not enable the defendant to authorize disclosure by
WSBA to a third party. See ELC 3.2(b). It will therefore be up to the defendant to obtain the
required client consent before further disclosing the records that have been released to her.

24 ⁴ The subpoena itself refers to "WSBA Case # 1333898," which is not any matter that relates to
25 Ms. Kamb. WSBA assumes that what the defendant means is what counsel said in the enclosure
26 letter with the subpoena, namely, the investigation involving the Keating trust and the complaint
of Ms. Knott. See Exhibit A to Schimpff Decl.

1 Schimpff Decl.⁵ WSBA provided the documents as a discretionary release of
2 information pursuant to the defendant's ELC 3.4(c) waiver, not pursuant to the
3 subpoena duces tecum. *See id.*

4
5 WSBA asked the defendant to withdraw the subpoena duces tecum because
6 (1) WSBA holds its disciplinary records pursuant to a delegation of authority from
7 the Washington Supreme Court pursuant to that Court's rules and cannot be
8 compelled to produce them pursuant to a Superior Court subpoena; (2) there are
9 no additional non-privileged records regarding the Keating/Knott matter that
10 have not already been voluntarily provided to the defendant; and (3) WSBA
11 asserts protection under the work product doctrine for the remaining documents.
12 WSBA further offered to provide a declaration authenticating the documents
13 already provided in lieu of disciplinary counsel's testimony at trial. WSBA further
14 asked the defendant to withdraw the trial subpoenas or, alternatively, to commit
15 to not asking questions that would call for testimony beyond the scope of the non-
16 privileged records the defendant has already been provided. *See id.* The
17 defendant is not willing to agree to these requests. Schimpff Decl. at ¶ 9.
18 Therefore, WSBA submits this formal objection to the subpoenas and, as a
19 precautionary matter, moves for relief from this Court.⁶

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23 ⁵ WSBA supplemented this April 16th release of documents on April 25, 2014. *See Exhibit C to*
24 *Schimpff Decl.*

25 ⁶ The defendant issued the subpoenas to WSBA pursuant to CR 45. CR 45(c)(2)(B) provides that if
26 the recipient of the subpoena serves a timely written objection on the proponent of the subpoena,
the party serving the subpoena shall not be entitled to inspect and copy the materials except

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II. ARGUMENT

This Court should quash all of the subpoenas because (1) access to the information and records sought is governed by the ELC and this Court lacks authority to order WSBA to disclose it; (2) the additional information and records sought – beyond that which has already been voluntarily disclosed – are privileged work product; and (3) the information and records sought do not appear to be material to the issues in this criminal trial. Alternatively, if the Court does not quash the trial subpoenas entirely, it should enter a protective order precluding the parties from asking questions of the WSBA witnesses that would potentially elicit privileged information.

A. This Court lacks jurisdiction to compel WSBA to produce or testify about disciplinary information.

Access to disciplinary information is regulated by the Washington Supreme Court, through its ELC, and not by the lower courts in Washington. Because this Court lacks jurisdiction to compel WSBA to produce or to testify regarding the

pursuant to an order of the court by which the subpoena was issued. This provision suggests that once the objection is served, the person subject to the subpoena need do nothing further and that the onus is on the party propounding the subpoena to move to compel. To the extent that CR 45 is the appropriate rule, WSBA believes that its April 16, 2014, letter and privilege log sent to the defendant satisfies the written objection requirement of CR 45(c)(2)(B). However, CR 45(c)(3)(A)(iii) refers to the Court quashing or modifying a subpoena that requires disclosure of privileged or other protected matter, “[o]n timely motion,” rendering it unclear whether a person who objects to a subpoena on privilege grounds may have some affirmative obligation to file a motion.

But because this is a criminal matter, it appears that the subpoenas should have been issued under CrR 4.8. Under CrR 4.8(b)(4), the Court may quash a subpoena duces tecum upon a timely motion if, among other reasons, it requires disclosure of privileged or other protected matter.

1 records and information sought by the defendant, it should quash the subpoenas
2 issued by the defendant pursuant to this Court's authority.

3 In Washington, the Supreme Court has exclusive responsibility to
4 administer the lawyer discipline system. ELC 2.1; *see also, e.g., Graham v.*
5 *Washington State Bar Ass'n*, 86 Wn.2d 624, 631, 548 P.2d 310 (1976) (Supreme
6 Court has exclusive and inherent authority over admission, enrollment, discipline,
7 disbarment, etc., of lawyers). The Supreme Court has, through the ELC,
8 delegated certain functions to WSBA's staff, Board of Governors, and appointees.
9 *See generally* ELC Title II. Notably, however, the Supreme Court has delegated
10 only limited functions to the lower courts. Specifically, the only authority related
11 to the lawyer discipline system delegated by the Supreme Court to the Superior
12 Courts is (1) to enforce subpoenas *issued under the ELC*, ELC 4.7; (2) to hear
13 petitions for appointment of limited guardians for respondents in disciplinary or
14 disability proceedings, ELC 8.9; and (3) to file judgments entered by the Supreme
15 Court on orders for costs and expenses assessed in disciplinary proceedings, ELC
16 13.9(d).

17
18 The Washington attorney discipline system is "codified" in the ELC,
19 adopted by the Supreme Court. The ELC govern all aspects of lawyer disciplinary
20 investigations and proceedings, including access to the documents and
21 information related to those investigations and proceedings. *See generally* ELC
22 3.1, 3.2, 3.4. Regulating access to disciplinary information for use in litigation
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1 outside the disciplinary system is not a function the Supreme Court has delegated
2 to the lower courts through the ELC. Accordingly, this Court lacks jurisdiction to
3 compel WSBA to disclose disciplinary records or information pursuant to a
4 subpoena issued by a litigant in this case. The Court should therefore quash the
5 subpoena duces tecum and the trial subpoenas issued to WSBA and its employees
6 by the defendant.
7

8 **B. Any WSBA documents relating to its investigation of the**
9 **Keating Trust/Knott matter that WSBA has not already given the**
10 **defendant are protected from disclosure under the work**
11 **product doctrine.**

12 In any event, WSBA has already voluntarily provided the defendant with
13 the non-privileged documents that are responsive to the subpoena duces tecum,
14 consistent with Ms. Kamb's waiver. WSBA provided the defendant with the full
15 public record on *all* of the defendant's disciplinary matters with the bar, not just
16 those related to the Keating Trust/Knott matter. WSBA further provided the
17 defendant with non-public documents related to its investigation of the Keating
18 Trust/Knott matter, which is the subject of the subpoena duces tecum. As set
19 forth in WSBA's April 16, 2014, letter and the accompanying privilege log, any
20 additional WSBA documents relating to its investigation of that matter are
21 privileged work product.
22

23 Indeed, WSBA's privileged work product appears to be what the subpoena
24 is very specifically and deliberately seeking. Rather than narrowly tailoring the
25 subpoena as required by CR 45(c)(1) (party or attorney responsible for issuance of
26

1 subpoena shall take reasonable steps to avoid imposing undue burden or expense
2 on a person subject to that subpoena), the defendant has asked for records that
3 fall squarely within the work product doctrine. For example, the subpoena asks
4 for “[a]ll internal WSBA communications, including emails, text messages, paper
5 memos and notes, analyses, reports, status reports, legal memorandum,” related
6 to WSBA’s investigation of the allegations of wrongdoing by Ms. Kamb in
7 connection with the Keating Trust/Knott matter, even though the defendant
8 knows that these documents would have been generated by WSBA disciplinary
9 counsel (i.e., lawyers) and investigators and staff working at the direction of these
10 lawyers. The subpoena further calls for all drafts of all documents relating to the
11 analysis of the Knott grievance and all drafts of the statement of public concern
12 issued by WSBA, even though those documents were clearly authored by lawyers
13 and drafts are quintessential examples of materials that reveal lawyers’ thought
14 processes.
15
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18 The work product doctrine protects against the disclosure of documents and
19 tangible things prepared in anticipation of litigation or trial. The doctrine is
20 codified in CR 26(b)(4), which states in pertinent part as follows:

21 *Trial Preparation; Materials . . .* a party may obtain
22 discovery of documents and tangible things otherwise
23 discoverable . . . and prepared in anticipation of litigation
24 or for trial . . . only upon a showing that the party seeking
25 discovery has substantial need of the materials in the
26 preparation of his case and that he is unable without
undue hardship to obtain the substantial equivalent of
the materials by other means. In ordering discovery of

1 such materials when the required showing has been
2 made, the court shall protect against disclosure of mental
3 impressions, conclusions, opinions, or legal theories of an
4 attorney or other representative of a party concerning the
5 litigation.⁷

6 The doctrine is commonly held to protect investigative reports, notes regarding
7 witness interviews, lawyers' notes, memoranda, and the like. *See, e.g., Soter v.*
8 *Cowles Pub. Co.*, 131 Wn. App. 882, 894, 130 P.3d 840 (2006) (memoranda of
9 witnesses' oral statements to investigator and notes by lawyers were work
10 product); *Kleven v. King County Prosecutor*, 112 Wn. App. 18, 24-25, 53 P.3d 516
11 (2002) (prosecutor's research notes were work product); *Limstrom v. Ladenburg*,
12 136 Wn.2d 595, 611, 963 P.2d 869 (1998) ("the mental impressions and notes or
13 memoranda of the attorney and other representatives of a party are absolutely
14 protected, unless their mental impressions are directly at issue"). The protection
15

16 ⁷ WSBA submits that CR 26(b)(4) is the appropriate standard here because disciplinary
17 proceedings are sui generis, ELC 10.14(a), and the civil rules serve as guidance when they do not
18 apply directly. ELC 10.1(a). Furthermore, CrR 4.7, which contains the criminal work product
19 rule, establishes the disclosure obligations of the prosecutor and defendant. WSBA is not the
20 prosecutor in this matter, nor is it an agent of either defense counsel or the prosecutor.
21 Furthermore, WSBA may still end up in litigation with Ms. Kamb over the matter as to which she
22 is seeking documents and testimony. She is still a WSBA member and has not been disbarred. If
23 she ever seeks to come off of disability inactive status and resume practicing law, WSBA may very
24 well proceed with disciplinary charges against her. Therefore, the work product standard
25 applicable in disciplinary proceedings should be applied and WSBA should not be compelled to give
26 her its work product. For these reasons, *State v. Pawlyk*, 115 Wn.2d 457, 477, 800 P.2d 338 (1990),
in which the court held that CR 26(b)(4) was inapplicable in a criminal case, is distinguishable.
See id. (rejecting argument that CR 26(b)(4) work product standard should apply to defense work
product; CrR 4.7(f)(1) applies to both *defense* work product and *prosecution* work product). Finally,
as noted above, the defendant herself has invoked the civil rules in issuing the subpoenas.

24 However, even under the criminal work product standard, most if not all of the documents at
25 issue would still be privileged. *See* CrR 4.7(f)(1) ("Disclosure shall not be required of legal research
26 or of records, correspondence, reports or memoranda to the extent that they contain the opinions,
theories, or conclusions of investigating or prosecuting agencies . . .").

1 extends to documents created by personnel working in conjunction with the
2 lawyer, such as investigators. *See, e.g., Soter*, 131 Wn. App. at 897 (work product
3 documents need not be prepared personally by counsel; documents created by
4 investigator hired by counsel were protected).
5

6 The documents at issue here fall squarely within protected work product.
7 The subpoena specifically seeks documents regarding WSBA's investigation of a
8 particular grievance against Ms. Kamb. The investigation (and therefore the
9 documents generated as part of the investigation) was obviously done in
10 anticipation of litigation – i.e., potential disciplinary proceedings against
11 Ms. Kamb. As outlined in the log provided to the defendant on April 16th and the
12 updated log sent to the defendant on April 25th, the documents not produced by
13 WSBA are internal communications among WSBA lawyers and staff in the Office
14 of Disciplinary Counsel about the investigation, lawyer notes and memoranda to
15 the file, drafts, and investigator memoranda regarding witnesses' oral statements.
16 *See Exhibit C to Schimpff Decl.* These materials are quintessential work product,
17 and the Court should hold that they are protected from disclosure. And, because
18 the documents responsive to the subpoena that are not privileged work product
19 have already been provided to the defendant, the Court should quash the
20 subpoena duces tecum in its entirety. Furthermore, to the extent the Court does
21 not quash the trial subpoenas, the Court should issue a protective order
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1 precluding the parties from asking the WSBA witnesses about protected work
2 product.

3 **C. The records and testimony sought do not appear material to the**
4 **issues in this criminal trial.**

5 The issue in this criminal trial is whether the State has sufficient evidence
6 to prove beyond a reasonable doubt that Ms. Kamb committed whatever crime she
7 has been charged with. Whatever investigation WSBA did or did not do into the
8 same or similar conduct is not relevant. WSBA was not investigating Ms. Kamb
9 for purposes of bringing criminal charges against her, which is not within the
10 scope of its authority. Rather, the issue for WSBA is whether Ms. Kamb violated
11 the Rules of Professional Conduct (RPC). Furthermore, the standard of proof in
12 disciplinary proceedings is different from that in this criminal case. Specifically,
13 the standard of proof in disciplinary proceedings is a clear preponderance of the
14 evidence. ELC 10.14(b). What WSBA did and thought about Ms. Kamb's conduct
15 in the context of a disciplinary matter where the issue was whether it could prove
16 that Ms. Kamb violated the RPC by a clear preponderance of evidence is not
17 relevant to whether the State can prove that Ms. Kamb committed a crime beyond
18 a reasonable doubt.
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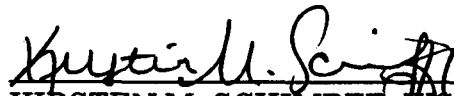
22 Therefore, the Court should quash the subpoena duces tecum for this
23 additional reason, and consider quashing the trial subpoenas or at least clarifying
24 and limited the scope of what the witnesses may be asked.
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III. CONCLUSION

For the foregoing reasons, WSBA respectfully requests that the Court quash the subpoenas or issue an appropriate protective order. A proposed order is attached hereto.

DATED this 25th day of April, 2014.


KIRSTEN M. SCHIMPF, WSBA # 31299
Assistant General Counsel
Washington State Bar Association
Attorney for WSBA, Douglas Ende, Kevin
Bank, Francesca D'Angelo, Vanessa Norman

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PROOF OF SERVICE

I, Kirsten Schimpff, certify that I caused a copy of this document, WSBA's
Objection to Subpoena/Motion to Quash or for Protective Order to be served by
legal messenger service for delivery on April 25, 2014, and by email to:

Thomas E. Seguine
Attorney at Law
1023 S. 3rd
Mount Vernon, WA 98273
northcascadeslegal@gmail.com

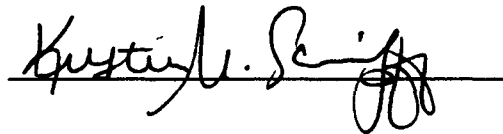
Rosemary Kaholokula
Chief Criminal Deputy
Office of Skagit County Prosecuting Attorney
605 S. 3rd St.
Mount Vernon, WA 98273
rosemaryk@co.skagit.wa.gov

Filed via legal messenger service on April 25, 2014, with:

Superior Court Clerk
311 Grand Avenue, Suite 301
Bellingham, WA 98225

I certify under penalty of perjury under the laws of the state of Washington
that the foregoing is true and correct.

DATED this 25th day of April, 2014, at Seattle, Washington.



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7 **STATE OF WASHINGTON**
 WHATCOM COUNTY SUPERIOR COURT

8 State of Washington,

No. 13-1-01064-2

9 Plaintiff,

**DECLARATION OF KIRSTEN
SCHIMPF**

10 v.

11 Rosemary Kamb

12 Defendant.

13
14
15 Kirsten Schimpff, Assistant General Counsel for the Washington State Bar
16 Association, hereby declares as follows:
17

18 1. I am over 18 years of age and competent to testify in this matter.

19 The statements in this declaration are made on my own personal knowledge and
20 in support of the accompanying Objection to Subpoena/Motion to Quash or for
21 Protective Order filed by the WSBA.
22

23 2. On March 5, 2014, Thomas Seguire, attorney for the defendant,
24 called and sent an email to WSBA's General Counsel, to say that he intended to
25 issue a subpoena duces tecum to the WSBA for documents related to WSBA's
26

1 investigation of Ms. Kamb, and to issue trial subpoenas to two WSBA disciplinary
2 counsel, Francesca D'Angelo and Kevin Bank. The matter was referred to me to
3 respond to Mr. Seguine.

4
5 3. I spoke to Mr. Seguine on March 6, 2014, and explained that access
6 to disciplinary information is strictly regulated by the Rules for Enforcement of
7 Lawyer Conduct (ELC). I offered on behalf of WSBA to provide the defendant
8 with a complete copy of the public file on all of Ms. Kamb's disciplinary matters
9 with the WSBA without the need for a subpoena, but further explained that
10 WSBA could not disclose records that constitute confidential disciplinary
11 information as defined in the ELC in response to a subpoena, nor could
12 disciplinary counsel testify to anything that was not public disciplinary
13 information in response to a subpoena. That same day, I mailed Mr. Seguine the
14 public documents on Ms. Kamb's disciplinary matters, constituting more than
15
16 1,700 pages.

17
18 4. I spoke to Mr. Seguine again during the week of March 24, 2014, and
19 he indicated that the defendant still intended to move forward with issuing the
20 subpoenas.

21
22 5. Mr. Seguine and I spoke again during the week of April 7, 2014, and
23 I let him know that if his client were to sign a written waiver pursuant to
24 amended ELC 3.4(c) authorizing WSBA to release otherwise confidential
25 disciplinary information to defense counsel, WSBA would review its non-public
26

1 files to see if there were additional non-privileged documents that it would be
2 willing to release in its discretion to do so. Knowing that it was the defendant's
3 intention to use the information in the upcoming criminal trial, I also suggested
4 that Mr. Seguire might consider having his client authorize disclosure of the
5 records to the prosecution to facilitate fulfilling the defendant's discovery
6 obligations. Mr. Seguire said that he would send a written waiver from his client,
7 and WSBA began to review its files with an eye toward producing otherwise
8 confidential records pursuant to the anticipated written waiver and authorization.
9

10
11 6. Exhibit A is a true and complete copy of the correspondence,
12 subpoenas, and written waiver Mr. Seguire sent to me via email on Saturday,
13 April 12, 2014. I also later received a copy of the same documents by mail.

14
15 7. Exhibit B is a true and complete copy of the correspondence I sent to
16 Mr. Seguire on April 16, 2014 (along with a CD containing the records WSBA
17 released to Mr. Seguire pursuant to Ms. Kamb's written waiver).

18
19 8. Exhibit C is a true and complete copy of the correspondence I sent to
20 Mr. Seguire on April 25, 2014 (along with a CD containing the additional
21 referenced documents).

22
23 9. On April 24, 2014, I called Mr. Seguire to inquire whether he was
24 willing to agree to voluntarily withdraw the subpoenas as requested by WSBA in
25 the April 16, 2014, letter. He indicated that the defendant does not intend to
26

1 withdraw the subpoenas, and I let him know that WSBA would therefore be filing
2 a motion with the Court.

3 Signed under penalty of perjury under the laws of the state of Washington
4 at Seattle, Washington, on April 25, 2014.
5

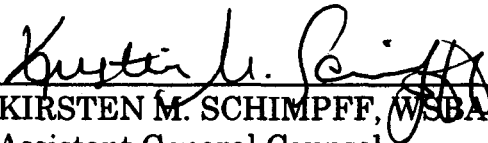
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8 KIRSTEN M. SCHIMPF, WSBA # 31299
9 Assistant General Counsel
10 Washington State Bar Association
11 Attorney for WSBA, Douglas Ende, Kevin
12 Bank, Francesca D'Angelo, Vanessa Norman
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EXHIBIT A

Kirsten Schimpff

From: Tom Seguire <northcascadeslegal@gmail.com>
Sent: Saturday, April 12, 2014 1:04 PM
To: Kirsten Schimpff
Subject: State v. Kamb
Attachments: Ltr K. Shimpff [re WSBA sbpas & auth] - 4-12-14.pdf

Kirsten,

Please see the attached correspondence, going out in the mail today.

Tom

--
Tom Seguire
Attorney at Law
1023 South 3rd St.
Mount Vernon WA 98273
360-755-1000
northcascadeslegal@gmail.com

Thomas E. Seguire
Attorney at Law
1023 S. 3rd
Mount Vernon WA 98273
360-755-1000
northcascadeslegal@gmail.com

Kirsten Schimpff
Assistant General Counsel
Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Also sent by email to kirstens@wsba.org

April 12, 2014

Re: State v. Kamb, Whatcom County # 13-1-01064-2

- Trial subpoenas for Francesca D'Angelo, Kevin Bank, Vanessa Norman and Douglas Ende
- Subpoena Duces Tecum to WSBA
- Authorization to release WSBA records from Rosemary Kamb
- Public Disclosure request

Dear Ms. Schimpff,

Following our recent phone conversations please find enclosed or attached the above referenced documents. The originals or copies will be filed with the court and with the prosecutor's office, as appropriate.

Obviously, notwithstanding the reticence of the WSBA to share information with me, we feel compelled to seek information in a manner that follows the usual course, that is through the traditional subpoena power. I understand that the WSBA may take a position that ultimately conflicts with our decision in that regard, and that the WSBA may well litigate the matter in one form or another. If so, and there is a conviction, this would very possibly become an appeal issue. I understand too that the bar has requested that we not issue a subpoena, especially as to the so-called "nonpublic" file of Ms. Kamb, and further that what we make only a "request", effectively treating this as a discretionary matter for the bar ultimately to decide what may or may not be released.

You have also asked me to consider some provision in our authorization that would allow release to the prosecutor. I understand, somewhat but not completely, why the bar association would be making this request on behalf of the prosecution, perhaps in the spirit of being fair to both sides of the case. At the same time I am perplexed, as I have learned from the prosecutor that you or your office had direct contact with the prosecutor

(Ms. Kaholokula) on this issue. The information according to the bar is confidential and (again presumably) the confidentiality provisions pertain to the privacy and other rights of my client, not the prosecution. Also, there seems to be at least a bit of irony here in the sense that the original disclosures to the Mount Vernon Police Department, under the auspices of ELC 3.4(h), were not accompanied by any reciprocal and contemporaneous notice to Ms. Kamb. I note this in spite of the provision of ELC 3.4(e), concerning discretionary release of information, which generally provides that notice shall be given to the attorney about whom a release may occur, *before* such notice occurs.

For these reasons, my client is not willing to authorize release of the WSBA materials to the prosecution. We are seeking this information for purposes of the defense; should we wish to use it in the criminal trial, we will make appropriate disclosures to the prosecutor. Moreover, I am conducting the work on this matter, and I might additionally argue that the results secured constitute work product.

Similarly, you have asked me to provide some outline of what information we are seeking from the nonpublic file. That too is hardly acceptable in this setting. I must for the record here restate what I told you on the phone, that my client is charged with multiple felony offenses which threaten to deprive her of her liberty for an extended period of time; the standard range for the charged crimes puts her, if convicted, at or near five years in prison. I do not have the luxury of tiptoeing through the bar records, or worse yet, surmising what those records may or not be, in tailoring a request to which the bar believes it may ultimately, in its apparent sole discretion, accept or reject.

The further point that bears emphasis here, and which you no doubt are not fully aware, is that the police investigation in this matter derived and evolved directly from the bar's release of certain records to the Mount Vernon Police Department. Search warrants in the case refer to what amounts to a joint investigation between it and the WSBA. As uncomfortable as it may be, and despite the fact that in my view the WSBA and the city police acted successively, the WSBA and the MVPD are somewhat attached at the hip.

I am including, nonetheless, an authorization form from Ms. Kamb, admittedly simple, that would authorize the bar to release these records to me only. Please note that the records pertain only to the numbered investigation, involving the Keating trust and the complaint of Ms. Knott.

As for the request for what information we are seeking, I suppose that the subpoena duces tecum may provide some information to you.

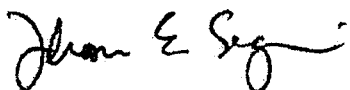
With respect to the record of the WSBA I am additionally including a request for the production of such records according to the Washington Public Disclosure Act under RCW Title 42. I have received some conflicting information as to whether the bar is (or considers itself) subject to the Public Disclosure Act. I suppose if it is not, then you will so advise me.

As indicated, you will also find enclosed subpoenas for appearance at trial of the other WSBA witnesses to this matter. I recall during our conversation you stating that you would accept service on behalf of the bar and these employees. I would ask you to reconfirm this statement to me in writing once you receive these documents; with trial forthcoming, if I receive no confirmation I will arrange personal service on them or on the office of the WSBA. With the trial subpoenas too, I recognize that the my position and that of the bar may be at odds. You and I will have to have further discussions, no doubt.

I am additionally enclosing or attaching a letter prepared earlier this year generally describing the conundrum of trial scheduling for those who are under subpoena. This was issued generally in the case some months ago, but the content remains valid.

Please feel free to contact me after you have had a chance to review these items.

Sincerely,



Thomas E. Seguire

Encl:

**SUPERIOR COURT OF WASHINGTON
COUNTY OF _WHATCOM**

STATE OF WASHINGTON,

Plaintiff,

v.

ROSEMARY KAMB,

Defendant.

NO: 13-1-01064-2

**SUBPOENA
(SB)**

THE STATE OF WASHINGTON TO:

Name: Francesca D'Angelo _____

Address: c/o WSBA, 1325 4th Ave., Suite 600, Seattle, WA 98101-5909

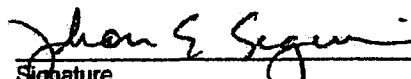
YOU ARE COMMANDED TO APPEAR:

On: Tuesday, May 6, 2014 (Date) at 9:30 AM _____
at: Whatcom County Superior Court, Room/Department _____ Judge Snyder _____
Address: 311 Grand Ave., Bellingham WA 98225 _____

to testify in the above matter and to remain in attendance until you have given your testimony or you have been dismissed or excused by the court.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY BE CONSIDERED CONTEMPT OF COURT AND MAY RESULT IN YOUR ARREST.

Dated: 4-14-2014 _____



Signature
Thomas E. Seguire, WSBA # 17507 _____
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98273
Phone: 360-755-1000

**SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM**

STATE OF WASHINGTON.

Plaintiff,

v.

ROSEMARY KAMB,

Defendant.

NO: 13-1-01064-2

**SUBPOENA
(SB)**

THE STATE OF WASHINGTON TO:

Name: Vanessa Norman

Address: c/o WSBA, 1325 4th Ave., Suite 600, Seattle, WA 98101-5909

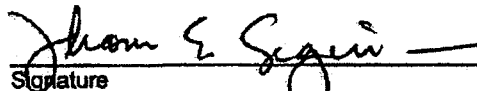
YOU ARE COMMANDED TO APPEAR:

On: Tuesday, May 6, 2014 (Date) at 9:30 AM
at Whatcom County Superior Court, Room/Department Judge Snyder
Address: 311 Grand Ave., Bellingham WA 98225

to testify in the above matter and to remain in attendance until you have given your testimony or you have been dismissed or excused by the court.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY BE CONSIDERED CONTEMPT OF COURT AND MAY RESULT IN YOUR ARREST.

Dated: 4-14-2014


Signature
Thomas E. Seguin, WSBA # 17507
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98273
Phone: 360-755-1000

**SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM**

STATE OF WASHINGTON .

Plaintiff,

v.

ROSEMARY KAMB,

Defendant.

NO: 13-1-01084-2

**SUBPOENA
(SB)**

THE STATE OF WASHINGTON TO:

Name: Kevin Bank

Address: 1325 4th Ave Suite 600

Seattle WA 98101-5909

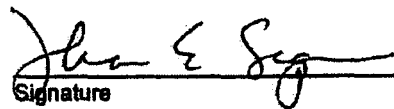
YOU ARE COMMANDED TO APPEAR:

On: Tuesday, May 6, 2014 (Date) at 9:30 AM
at: Whatcom County Superior Court, Room/Department, Judge Snyder
Address: 311 Grand Ave., Bellingham WA 98225

to testify in the above matter and to remain in attendance until you have given your testimony or you have been dismissed or excused by the court.

**FAILURE TO COMPLY WITH THIS SUBPOENA MAY BE CONSIDERED CONTEMPT OF COURT
AND MAY RESULT IN YOUR ARREST.**

Dated: 1-17-14


Signature
Thomas E. Seguire, WSBA # 17507
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98273
Phone: 360-755-1000

**SUPERIOR COURT OF WASHINGTON
COUNTY OF WHATCOM**

STATE OF WASHINGTON .

Plaintiff,

v.

ROSEMARY KAMB,

Defendant.

NO: 13-1-01064-2

**SUBPOENA
(SB)**

THE STATE OF WASHINGTON TO:

Name: Douglas Ende
Address: 1325 4th Ave. Ste 600
Seattle WA 98101-2539


YOU ARE COMMANDED TO APPEAR:

On: Tuesday, May 6, 2014 (Date) at 9:30 AM
at: Whatcom County Superior Court, Room/Department Judge Snyder
Address: 311 Grand Ave., Bellingham WA 98225

to testify in the above matter and to remain in attendance until you have given your testimony or you have been dismissed or excused by the court.

**FAILURE TO COMPLY WITH THIS SUBPOENA MAY BE CONSIDERED CONTEMPT OF COURT
AND MAY RESULT IN YOUR ARREST.**

Dated: 1-17-14


Signature
Thomas E. Seguire, WSBA # 17507
Print or Type Name/Bar Number

cc: Witness
Sheriff
Attorney
Court

Address: 1023 South 3rd Street
Mount Vernon WA 98273
Phone: 360-755-1000

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**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

STATE OF WASHINGTON,

Plaintiff,

v.

ROSEMARY KAMB,

Defendant

No. 13-1-01064-2

**SUBPOENA DUCES TECUM FOR
PRODUCTION OF DOCUMENTS**

TO: Washington State Bar Association

YOU ARE COMMANDED, pursuant to Washington State Civil Rule 45(b)(2), and the authority of this court in this case, to produce the following described documents and things to the office of the undersigned counsel, , on or before close of business on the following date: FRIDAY, APRIL 25 2014.

All records of any type and in any form of any types, stored in any medium, including paper, electronic, and stored on any property belonging to or under the custody and control of the Washington State Bar Association, concerning the WSBA Case # 1333898, involving Rosemary Kamb, including but not limited to the items described below:

All internal WSBA communications, including emails, text messages, paper memos and notes, analyses, reports, status reports, legal memorandum

All information designated as being unavailable for public viewing and/or nonpublic.

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Notes and summaries of meetings and conversations between WSBA personnel and any other non-WSBA personnel, including but not limited to Heidi Agnew, Art Larvie, Tom Moser, Katherine Tarraf, Dorothy Knott, Mark Shipman, and Thomas Resick, concerning the above referenced grievance.

All drafts of documents relating to analysis of the Dorothy Knott grievance authored by Kevin Bank or any other member of the WSBA.

All drafts of the Rosemary Kamb "Statement of Public Concern" filed with the Washington State Disciplinary Board.

Copies of the resumes or curriculum vitae or other similar documents pertaining to the professional credentials of Kevin Bank, Francesca D'Angelo and Vanessa Norman.

Copies of any records indicating any specialized training in finance or financial analysis or banking with respect to Kevin Bank, Francesca D'Angelo and Vanessa Norman.

All information designated as being available for public viewing and review

You are further hereby advised that you may produce such documents by paper or electronic copy on or before such date to the party listed above; further that electronic copy is strongly encouraged, and may be arranged through appropriate electronic medium. If such is desired please contact the undersigned for instruction.

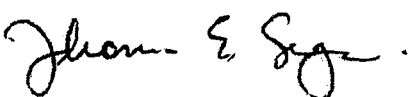
YOU ARE FURTHER ADVISED AND APPRISED of your rights under Washington law with respect to being a person receiving a subpoena, pursuant to Civil Rule 45, as set forth in the attached information sheet.

PLACE FOR RETURN OF INFORMATION REQUESTED IN SUBPOENA

LAW OFFICE TOM SEGUINE
1023 South 3rd Street
Mount Vernon WA 98273

Email: northcascadeslegal@gmail.com

RESPECTFULLY SUBMITTED April 12, 2014,



Thomas E. Seguire, WSBA # 17507

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Certificate of Service

I am employed in Skagit County, Washington, State of Washington. I am over the age of 18 and am not a party to the within action; my business address is 1023 South 3rd, Street, Mount Vernon, WA 98273.

On April 12, 2014 I served a copy of this document on the interested parties in this action in one or more of the following manner(s):

BY REGULAR MAIL: I placed copies of the document in sealed envelopes and caused such envelopes to be deposited in the United States mail with postage thereon fully prepaid and addressed as stated in the attached service list.

BY HAND DELIVERY: I placed copies of the document in sealed envelopes and caused such envelopes to be delivered by messenger to the addresses as stated on the attached service list.

BY FACSIMILE: I served the document by facsimile to the facsimile numbers stated on the attached service list by each party and/or attorney of record.

BY ELECTRONIC MAIL: I electronically transmitted copies of the document to the most recent known email address of the addressee.

OTHER: _____

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

Thomas E Seguire

Service List:

Rosemary Kaholokula
Chief Criminal Deputy
Office of Skagit County Pros. Atty.
605 S. 3rd St.
Mount Vernon WA 98273

1 CR 45, Sections (c) & (d):

2 (c) Protection of Persons Subject to Subpoenas.

3 (1) A party or an attorney responsible for the issuance and service of a subpoena shall take
4 reasonable steps to avoid imposing undue burden or expense on a person subject to that
5 subpoena. The court shall enforce this duty and impose upon the party or attorney in
breach of this duty an appropriate sanction, which may include, but is not limited to, lost
earnings and a reasonable attorney's fee.

6 (2)(A) A person commanded to produce and permit inspection and copying of designated
7 books, papers, documents or tangible things, or inspection of premises need not appear in
person at the place of production or inspection unless commanded to appear for deposition,
hearing or trial.

8 (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit
9 inspection and copying may, within 14 days after service of subpoena or before the time
specified for compliance if such time is less than 14 days after service, serve upon the
10 party or attorney designated in the subpoena written objection to inspection or copying of
any or all of the designated materials or of the premises. If objection is made, the party
11 serving the subpoena shall not be entitled to inspect and copy the materials or inspect the
premises except pursuant to an order of the court by which the subpoena was issued. If
12 objection has been made, the party serving the subpoena may, upon notice to the person
commanded to produce and all other parties, move at any time for an order to compel the
13 production. Such an order to compel production shall protect any person who is not a
party or an officer of a party from significant expense resulting from the inspection and
14 copying commanded.

15 (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify
the subpoena if it:

16 (i) fails to allow reasonable time for compliance;

17 (ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;

18 (iii) requires disclosure of privileged or other protected matter and no exception or
19 waiver applies; or

20 (iv) subjects a person to undue burden, provided that, the court may condition
denial of the motion upon a requirement that the subpoenaing party advance the reasonable
21 cost of producing the books, papers, documents, or tangible things.

22 (B) If a subpoena

23 (i) requires disclosure of a trade secret or other confidential research, development,
or commercial information, or

1 (ii) requires disclosure of an unretained expert's opinion or information not
2 describing specific events or occurrences in dispute and resulting from the expert's study
3 made not at the request of any party, the court may, to protect a person subject to or
4 affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the
5 subpoena is issued shows a substantial need for the testimony or material that cannot be
6 otherwise met without undue hardship and assures that the person to whom the subpoena is
7 addressed will be reasonably compensated, the court may order appearance or production
8 only upon specified conditions.

9 **(d) Duties in Responding to Subpoena.**

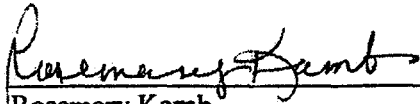
10 (1) A person responding to a subpoena to produce documents shall produce them as they
11 are kept in the usual course of business or shall organize and label them to correspond with
12 the categories in the demand.

13 (2) When information subject to a subpoena is withheld on a claim that it is privileged or
14 subject to protection as trial preparation materials, the claim shall be made expressly and
15 shall be supported by a description of the nature of the documents, communications, or
16 things not produced that is sufficient to enable the demanding party to contest the claim.
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Waiver for WSBA for Rosemary Kamb for Case # 1333898
Pursuant to ELC 3.4 (c)

I, Rosemary Kamb, after being fully apprised of my rights to have certain records with the WSBA treated as being confidential pursuant to ELC 3.4(c) hereby authorize the WSBA to release all records maintained by the WSBA in its files, both public and nonpublic, to my counsel, Thomas E. Seguire.

Dated this 11th day of April, 2014,



Rosemary Kamb

Thomas E. Seguine
Attorney at Law
1023 S. 3rd
Mount Vernon WA 98273
360-755-1000
northcascadeslegal@gmail.com

Public Records Official
Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

April 12, 2014

Re: Public Disclosure Request

Dear Sir or Madam,

Pursuant to laws concerning public disclosure for the State of Washington, codified in RCW Chapter 42, this office is hereby requesting production of the following documents:

All records of any type and in any form of any types, stored in any medium, including paper, electronic, and stored on any property belonging to or under the custody and control of the Washington State Bar Association, concerning the WSBA Case # 1333898, involving Rosemary Kamb, including but not limited to the items described below:

All internal WSBA communications, including emails, text messages, paper memos and notes, analyses, reports, status reports, legal memorandum

All information designated as being unavailable for public viewing and/or nonpublic.

Notes and summaries of meetings and conversations between WSBA personnel and any other non-WSBA personnel, including but not limited to Heidi Agnew, Art Larvie, Tom Moser, Katherine Tarraf, Dorothy Knott, Mark Shipman, and Thomas Resick, concerning the above referenced grievance.

All drafts of documents relating to analysis of the Dorothy Knott grievance authored by Kevin Bank or any other member of the WSBA.

All drafts of the Rosemary Kamb "Statement of Public Concern" filed with the Washington State Disciplinary Board.

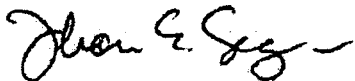
Copies of the resumes or curriculum vitae or other similar documents pertaining to the professional credentials of Kevin Bank, Francesca D'Angelo and Vanessa Norman.

Copies of any records indicating any specialized training in finance or financial analysis or banking with respect to Kevin Bank, Francesca D'Angelo and Vanessa Norman.

All information designated as being available for public viewing and review

This office will reimburse the WSBA for reasonable costs allowed by such statutory provisions in responding to this request, upon receipt of an appropriate invoice from the WSBA. Should you have further questions, please feel free to contact me.

Sincerely,



Thomas E. Seguire

Thomas E. Seguire
Attorney at Law
1023 S. 3rd
Mount Vernon WA 98273
360-755-1000
northcascadeslegal@gmail.com

April 12, 2014

Re: Subpoena
State v. Kamb, Whatcom County # 13-1-01064-2

To witnesses under subpoena for State v. Kamb:

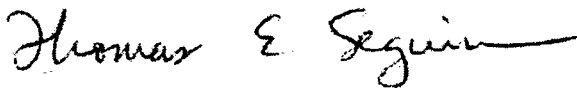
You will find with this letter a subpoena for your appearance in State v. Kamb. As indicated, trial in this matter is scheduled *to begin* on Monday May 5, 2014. On that and the following days, under normal conditions, jury selection will occur. That will be followed by opening statements and then the State of Washington will be responsible for presenting its evidence. The state has listed approximately ten witnesses.

You are being subpoenaed by the defense here, not by the State. Therefore, despite the fact that the subpoena indicates an appearance date of the first day of trial, the precise time of your testimony is not readily apparent; it will come following at least the presentation of the prosecution case, however long that will take. In addition, the defense is issuing subpoenas to a large number of witnesses. The precise order of testimony is not apparent until we reconcile the complex scheduling that inevitably occurs. The upshot of all this is that we will need to work with you and you with us in determining when your testimony will occur. With respect to this, I would ask that you contact Astor Kidane at 360-548-8678 to discuss any issues you foresee with scheduling your testimony. We expect the trial to last two to three weeks, so the window of testimony, so to speak, is quite large.

Your duty to appear and testify ends when the court excuses you, as indicated in the subpoena. Should you be called and testify, you will be entitled to a nominal, statutorily defined witness fee, on a per day basis, along with some mileage reimbursement.

Finally, we must also add that inevitably cases get delayed for many reasons. If after you have been served we learn of a postponement we will contact you as soon as possible. In the meantime thank you for your patience and understanding.

Sincerely,



Thomas E. Seguire
Encl:

EXHIBIT B



WSBA

Office of the General Counsel

Kirsten M. Schimpff
Assistant General Counsel

direct line: 206-727-8213
fax: 206-727-8314
e-mail: kirstens@wsba.org

April 16, 2014

Tom Seguine
Attorney at Law
1023 South 3rd Street
Mt. Vernon, WA 98273

Re: Rosemary Kamb subpoenas

Dear Mr. Seguine:

I received the subpoena duces tecum to WSBA, and the trial subpoenas to Kevin Bank Francesca D'Angelo, Douglas Ende, and Vanessa Norman. I accept service of the subpoenas on behalf of WSBA and these individuals.

As you know, WSBA was preparing to voluntarily release additional records to you in anticipation of receiving a written waiver and authorization from your client pursuant to ELC 3.4(c). As I advised you, WSBA holds its disciplinary records under a delegation of authority from the Washington Supreme Court, which has set out in the ELC the conditions for access to disciplinary records. The Supreme Court has not delegated authority to the lower courts to regulate access to disciplinary records, through subpoenas or otherwise. Therefore, WSBA looks to the ELC as the source of its authority, obligation, and discretion to disclose disciplinary records. As I further advised you, WSBA is not intending to waive work product protection for its records falling within that doctrine.

Nevertheless, you have issued us a subpoena duces tecum that very specifically asks for WSBA's work product relating to disciplinary matters, among other things, along with providing the written ELC 3.4(c) waiver from your client. Consistent with the ELC, WSBA's Office of Disciplinary Counsel is exercising its discretion under ELC 3.4(c) to release otherwise confidential disciplinary records to you pursuant to your client's written waiver and authorization. We are not providing these records in response to your subpoena.

Specifically, we are providing you with non-privileged documents pertaining to WSBA's "investigation . . . involving the Keating trust and the complaint of Ms. Knott," as requested in

Working Together to Champion Justice

April 16, 2014
Page 2

your letter dated April 12, 2014. We are also providing the resumes of Francesca D'Angelo, Kevin Bank, and Vanessa Norman. These documents are included on the enclosed CD (with the exception of the Bank resume, which we will forward to you next week after Mr. Bank returns to the office). We have already provided you with the public files on all of Ms. Kamb's disciplinary matters with the bar. We are not providing you with WSBA's attorney and investigator work product (which is very clearly what the specific itemized paragraphs (1), (3), (4) and (5) of the subpoena duces tecum would call for).

Among those documents that WSBA has identified as otherwise confidential disciplinary information related to its investigation of the Keating Trust/Knott matter and thus within the scope of your client's written waiver and authorization, WSBA declines to release certain documents, and has redacted others, pursuant to the work product doctrine. *See* ELC 3.4(c) (WSBA *may* but is not required to release otherwise confidential documents pursuant to written waiver); ELC 10.1 (civil rules serve as guidance in lawyer discipline proceedings under ELC); CR 26(b)(4) (codifying work product doctrine). These documents are identified on the enclosed log.

Given that we have voluntarily provided you with all of the non-privileged documents you have requested and which would be responsive to the subpoena duces tecum, and given that subpoenaing disciplinary records in connection with outside litigation is inconsistent with the ELC, we ask that you withdraw your subpoena.

Furthermore, if there are specific documents that you intend to use at trial, we would be happy to work with you to provide a records custodian declaration to authenticate the documents for that purpose. Beyond that, we do not see what testimony our witnesses could offer consistent with the ELC that would be of relevance to your case. Therefore, we ask that you withdraw your trial subpoenas for these witnesses. Alternatively, we ask that you agree to limit your questioning of these witnesses to matters that are reflected in the documents we have provided.

Please let me know if you will agree to withdraw your subpoenas. I will be out of the office until April 23, 2014; please let me know of your decision by then. If you decline or if I do not hear from you, WSBA intends to file an objection to your subpoenas.

Lastly, you included with your April 12, 2014, correspondence a public records request pursuant to Washington's Public Records Act, RCW 42.56. Please be advised that WSBA is not a state agency subject to the Public Records Act. *See, e.g., Federal Way v. Koenig*, 167 Wn.2d 341 (2009); GR 12.4(i)(2) (effective July 1, 2014) (confirming that Public Records Act does not apply to Bar records but may be used for non-binding guidance). WSBA's bylaws provide that many of its records are public, subject to exemptions set forth in the bylaws and confidentiality provisions contained in various court rules, including the ELC. We have already provided you with the disciplinary records related to Ms. Kamb that are available through a public records request to WSBA, namely, the files we sent you on March 6, 2014.

Working Together to Champion Justice

April 16, 2014
Page 3

Please let me know if you have any questions regarding the enclosed records, and I look forward to hearing from you regarding the subpoenas.

Very truly yours,



Kirsten M. Schimpff
Assistant General Counsel

Enclosures

Working Together to Champion Justice

Washington State Bar Association • 1325 Fourth Avenue – Suite 600 / Seattle, WA 98101-2539 • 206-727-8200 / fax: 206-727-8320

Rosemary Kamb
ELC 3.4(c) Discretionary Release pursuant to Written Waiver
Documents Withheld or Redacted Pursuant to Work Product Doctrine

Withheld:

Documents from Disciplinary Counsel's Electronic Records:

1. March 23, 2011 internal memorandum from Investigator Cheryl Heuett to Francesca D'Angelo
2. Internal WSBA Investigation Request WSBA File No. 10-01868
3. January 5, 2011 internal file memorandum by Francesca D'Angelo
4. January 5, 2011 internal file memorandum by Francesca D'Angelo
5. Internal WSBA Investigation Request WSBA File No. 10-01868
6. Internal WSBA Investigation Request WSBA File No. 10-01868
7. Request for Release of Confidential Disciplinary Information prepared for Chief Disciplinary Counsel's review and approval by Francesca D'Angelo
8. Request for Deferral of Investigation/Proceeding Pending the Outcome of Litigation prepared for Chief Disciplinary Counsel's review and approval by Francesca D'Angelo

Documents from Disability File:

9. August 25, 2011 Report of Brian L. Grant with attorney handwritten annotations and underlinings
10. September 19, 2011 Memorandum from Francesca D'Angelo to Disciplinary Counsel Joanne Abelson and Kevin Bank re status of Kamb matters

Documents from File No. 10-01868:

11. Undated attorney notes
12. September 22, 2010 attorney notes
13. January 5, 2011 internal file memorandum by Francesca D'Angelo
14. February 14, 2011 Confidential Report from Investigator Vanessa Norman to Francesca D'Angelo re Heidi Agnew interview

15. February 14, 2011 Confidential Report from Investigator Vanessa Norman to Francesca D'Angelo re Katherine Tarraf interview
16. February 14, 2011 Confidential Report from Investigator Vanessa Norman to Francesca D'Angelo re C. Thomas Moser interview
17. February 25, 2011 draft of unsent letter by Francesca D'Angelo
18. March 23, 2011 attorney notes
19. March 23, 2011 internal email string among Douglas Ende/Kevin Bank/WSBA Assistant General Counsel Elizabeth Turner, with handwritten attorney annotations
20. Undated internal file memorandum re theory of the case, evidence, and investigative leads re Keating Trust investigation – 3 copies
21. March 24 attorney notes
22. March 23, 2011 internal email string among Francesca D'Angelo/Vanessa Norman/Kevin Bank
23. March 29, 2011 draft of unsent letter by Douglas Ende
24. April 19, 2011 email from Norman to Bank/D'Angelo
25. April 18, 2011 internal email string among Francesca D'Angelo/Vanessa Norman/Kevin Bank
26. May 17, 2011 internal memorandum from Office of Disciplinary Counsel paralegal Thea Armour to Kevin Bank

Documents from File No. 10-01818:

27. Internal WSBA Investigation Request WSBA File No. 10-01818
28. Internal WSBA File Reassignment Note
29. Internal WSBA Investigation Request WSBA File No. 10-01818
30. February 24, 2011 Request For Release of Confidential Disciplinary Information - 2 copies
31. March 29, 2011 Request For Release of Confidential Disciplinary Information
32. May 4, 2011 Internal Phone Memo/Message Slip for Kevin Bank

33. Printout of WSBA internal database Information Sheet
34. May 9, 2011 Request For Release of Confidential Information
35. Internal WSBA Staffing Memoranda by Kevin Bank with supporting documentation (draft analysis letters with attorney handwritten annotations and reviewer comments)
36. August 2, 2011 internal email from Office of Disciplinary Counsel administrative assistant Colleen Biel to Francesca D'Angelo/Kevin Bank re phone message
37. Printout of WSBA internal database Information Sheet
38. Internal WSBA Investigation Request WSBA File No. 10-01868 - 2 copies
39. January 21, 2011 Memo To ELC Drafting Task Force from Office of Disciplinary Counsel

Documents from Investigator's Electronic Files:

40. August 3, 2011 internal email string among Vanessa Norman/Joanne Abelson
41. February 8, 2012 internal email between Francesca D'Angelo/Vanessa Norman
42. August 1, 2011 internal email string among Vanessa Norman/Kevin Bank
43. July 14, 2011 internal email among Francesca D'Angelo/Vanessa Norman/Joanne Abelson/Kevin Bank
44. May 16, 2011 internal email string among Kevin Bank/Vanessa Norman/Francesca D'Angelo/Disciplinary Counsel Scott Busby
45. May 16, 2011 internal email among Kevin Bank/Vanessa Norman/Francesca D'Angelo/Scott Busby
46. April 28, 2011 internal email among Kevin Bank/Vanessa Norman/Francesca D'Angelo
47. April 19, 2011 internal email string among Kevin Bank/Vanessa Norman/Francesca D'Angelo/Doug Ende/Joanne Abelson
48. April 27, 2011 internal email among Kevin Bank/Vanessa Norman/Francesca D'Angelo
49. April 19, 2011 internal email string among Kevin Bank/Vanessa Norman/Francesca D'Angelo
50. April 19, 2011 internal email string among Kevin Bank/Vanessa Norman/Francesca D'Angelo

51. April 18, 2011 internal email string among Kevin Bank/Vanessa Norman/Francesca D'Angelo
52. April 17, 2011 internal email string among Kevin Bank/Vanessa Norman/Francesca D'Angelo/Office of Disciplinary Counsel paralegal Natalie Cain
53. April 18, 2011 internal email string among Kevin Bank/Vanessa Norman/Francesca D'Angelo
54. April 18, 2011 internal email string among Kevin Bank/Vanessa Norman/Francesca D'Angelo
55. April 1, 2011 internal email among Vanessa Norman/ Natalie Cain
56. March 23, 2011 internal email string among Kevin Bank/Vanessa Norman
57. March 23, 2011 internal email string among Vanessa Norman/Francesca D'Angelo/Kevin Bank
58. March 23, 2011 internal email from Francesca D'Angelo to Kevin Bank/Vanessa Norman/Doug Ende/Scott Busby/Cheryl Heuett
59. March 21, 2011 internal email string among Vanessa Norman/Francesca D'Angelo
60. February 16, 2011 internal email from Vanessa Norman to Francesca D'Angelo
61. February 14, 2011 internal email string among Vanessa Norman/Francesca D'Angelo
62. February 10, 2011 internal email string among Vanessa Norman/Francesca D'Angelo
63. February 9, 2011 internal email string among Vanessa Norman/Francesca D'Angelo/Scott Busby/Felice Congalton/Bruce Redman/Natalie Green/Office of Disciplinary Counsel Consumer Affairs Assistant Brooke Drumm
64. December 20, 2010 internal email string among Vanessa Norman/Francesca D'Angelo
65. August 2, 2011 internal email from Vanessa Norman to Joanne Abelson
66. August 1, 2011 internal email from Vanessa Norman to Kevin Bank
67. April 1, 2011 internal email to Vanessa Norman from Office of Disciplinary Counsel paralegal Natalie Cain
68. July 14, 2011 internal email from Francesca D'Angelo to Kevin Bank/Vanessa Norman/Joanne Abelson

69. February 16, 2011 internal email from Vanessa Norman to Francesca D'Angelo
70. February 16, 2011 internal email from Francesca D'Angelo to Vanessa Norman
71. April 28, 2011 internal email from Francesca D'Angelo to Vanessa Norman/Kevin Bank
72. February 14, 2011 Confidential Report from Investigator Vanessa Norman to Francesca D'Angelo re Heidi Agnew interview
73. February 14, 2011 Confidential Report from Investigator Vanessa Norman to Francesca D'Angelo re C. Thomas Moser interview
74. April 18, 2011 Confidential Report from Investigator Vanessa Norman to Francesca D'Angelo re Bankruptcy Documents
75. February 15, 2011 Confidential Report from Investigator Vanessa Norman to Francesca D'Angelo re Katherine Tarraf interview
76. August 1, 2011 internal email string among Vanessa Norman/Kevin Bank

Redacted:

77. February 9, 2012 internal email string among Colleen Biel/Doug Ende, Francesca D'Angelo/Joanne Abelson/Vanessa Norman, re external email re newspaper article
78. July 20, 2011 internal email among Francesca D'Angelo/Kevin Bank/Joanne Abelson/Vanessa Norman, re external email from Nichole Finkbonner
79. February 10, 2011 internal email from Vanessa Norman to Francesca D'Angelo, re external email from Anders Berry
80. March 28, 2011 internal email string among Kevin Bank/Vanessa Norman/Doug Ende, re external email from Celeste Sabers
81. February 11, 2011 internal email string among Vanessa Norman/Francesca D'Angelo re external email from Anders Berry

EXHIBIT C



WSBA

Office of the General Counsel

Kirsten M. Schimpff
Assistant General Counsel

direct line: 206-727-8213
fax: 206-727-8314
e-mail: kirstens@wsba.org

April 25, 2014

Tom Seguire
Attorney at Law
1023 South 3rd Street
Mt. Vernon, WA 98273

Re: Rosemary Kamb subpoenas

Dear Mr. Seguire:

As a follow-up to my April 16, 2014, letter, we are providing Kevin Bank's resume. In addition, WSBA located one other grievance file that relates to the Keating trust. The non-privileged documents from that file and the resume are on the enclosed CD. I am also enclosing an updated log identifying some additional work product documents; these are from the electronic records of Mr. Bank, who was out of the office last week, and from the additional grievance file. Again, these materials are being provided to you pursuant to your client's written waiver under ELC 3.4(c).

Very truly yours,


Kirsten M. Schimpff
Assistant General Counsel

Enclosures

Working Together to Champion Justice

Rosemary Kamb
ELC 3.4(c) Discretionary Release pursuant to Written Waiver
Documents Withheld or Redacted Pursuant to Work Product Doctrine

Withheld:

Documents from Disciplinary Counsel's Electronic Records:

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5. Internal WSBA Investigation Request WSBA File No. 10-01868
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8. Request for Deferral of Investigation/Proceeding Pending the Outcome of Litigation prepared for Chief Disciplinary Counsel's review and approval by Francesca D'Angelo

Documents from Disability File:

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Documents from File No. 10-01868:

11. Undated attorney notes
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19. March 23, 2011 internal email string among Douglas Ende/Kevin Bank/WSBA Assistant General Counsel Elizabeth Turner, with handwritten attorney annotations
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24. April 19, 2011 email from Norman to Bank/D'Angelo
25. April 18, 2011 internal email string among Francesca D'Angelo/Vanessa Norman/Kevin Bank
26. May 17, 2011 internal memorandum from Office of Disciplinary Counsel paralegal Thea Armour to Kevin Bank

Documents from File No. 10-01818:

27. Internal WSBA Investigation Request WSBA File No. 10-01818
28. Internal WSBA File Reassignment Note
29. Internal WSBA Investigation Request WSBA File No. 10-01818
30. February 24, 2011 Request For Release of Confidential Disciplinary Information - 2 copies
31. March 29, 2011 Request For Release of Confidential Disciplinary Information
32. May 4, 2011 Internal Phone Memo/Message Slip for Kevin Bank

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44. May 16, 2011 internal email string among Kevin Bank/Vanessa Norman/Francesca D'Angelo/Disciplinary Counsel Scott Busby
45. May 16, 2011 internal email among Kevin Bank/Vanessa Norman/Francesca D'Angelo/Scott Busby
46. April 28, 2011 internal email among Kevin Bank/Vanessa Norman/Francesca D'Angelo
47. April 19, 2011 internal email string among Kevin Bank/Vanessa Norman/Francesca D'Angelo/Doug Ende/Joanne Abelson
48. April 27, 2011 internal email among Kevin Bank/Vanessa Norman/Francesca D'Angelo
49. April 19, 2011 internal email string among Kevin Bank/Vanessa Norman/Francesca D'Angelo
50. April 19, 2011 internal email string among Kevin Bank/Vanessa Norman/Francesca D'Angelo

51. April 18, 2011 internal email string among Kevin Bank/Vanessa Norman/Francesca D'Angelo
52. April 17, 2011 internal email string among Kevin Bank/Vanessa Norman/Francesca D'Angelo/Office of Disciplinary Counsel paralegal Natalie Cain
53. April 18, 2011 internal email string among Kevin Bank/Vanessa Norman/Francesca D'Angelo
54. April 18, 2011 internal email string among Kevin Bank/Vanessa Norman/Francesca D'Angelo
55. April 1, 2011 internal email among Vanessa Norman/ Natalie Cain
56. March 23, 2011 internal email string among Kevin Bank/Vanessa Norman
57. March 23, 2011 internal email string among Vanessa Norman/Francesca D'Angelo/Kevin Bank
58. March 23, 2011 internal email from Francesca D'Angelo to Kevin Bank/Vanessa Norman/Doug Ende/Scott Busby/Cheryl Heuett
59. March 21, 2011 internal email string among Vanessa Norman/Francesca D'Angelo
60. February 16, 2011 internal email from Vanessa Norman to Francesca D'Angelo
61. February 14, 2011 internal email string among Vanessa Norman/Francesca D'Angelo
62. February 10, 2011 internal email string among Vanessa Norman/Francesca D'Angelo
63. February 9, 2011 internal email string among Vanessa Norman/Francesca D'Angelo/Scott Busby/Felice Congalton/Bruce Redman/Natalie Green/Office of Disciplinary Counsel Consumer Affairs Assistant Brooke Drumm
64. December 20, 2010 internal email string among Vanessa Norman/Francesca D'Angelo
65. August 2, 2011 internal email from Vanessa Norman to Joanne Abelson
66. August 1, 2011 internal email from Vanessa Norman to Kevin Bank
67. April 1, 2011 internal email to Vanessa Norman from Office of Disciplinary Counsel paralegal Natalie Cain
68. July 14, 2011 internal email from Francesca D'Angelo to Kevin Bank/Vanessa Norman/Joanne Abelson

69. February 16, 2011 internal email from Vanessa Norman to Francesca D'Angelo
70. February 16, 2011 internal email from Francesca D'Angelo to Vanessa Norman
71. April 28, 2011 internal email from Francesca D'Angelo to Vanessa Norman/Kevin Bank
72. February 14, 2011 Confidential Report from Investigator Vanessa Norman to Francesca D'Angelo re Heidi Agnew interview
73. February 14, 2011 Confidential Report from Investigator Vanessa Norman to Francesca D'Angelo re C. Thomas Moser interview
74. April 18, 2011 Confidential Report from Investigator Vanessa Norman to Francesca D'Angelo re Bankruptcy Documents
75. February 15, 2011 Confidential Report from Investigator Vanessa Norman to Francesca D'Angelo re Katherine Tarraf interview
76. August 1, 2011 internal email string among Vanessa Norman/Kevin Bank

Redacted:

77. February 9, 2012 internal email string among Colleen Biel/Doug Ende, Francesca D'Angelo/Joanne Abelson/Vanessa Norman, re external email re newspaper article
78. July 20, 2011 internal email among Francesca D'Angelo/Kevin Bank/Joanne Abelson/Vanessa Norman, re external email from Nichole Finkbonner
79. February 10, 2011 internal email from Vanessa Norman to Francesca D'Angelo, re external email from Anders Berry
80. March 28, 2011 internal email string among Kevin Bank/Vanessa Norman/Doug Ende, re external email from Celeste Sabers
81. February 11, 2011 internal email string among Vanessa Norman/Francesca D'Angelo re external email from Anders Berry

Withheld:

Additional Documents from Disciplinary Counsel's Electronic Records:

82. Draft of unsent letter drafted by Kevin Bank containing discussion of status of WSBA's investigation and evidence collected
83. Drafts of analysis letter drafted by Kevin Bank

84. Internal WSBA Staffing Memoranda by Kevin Bank

85. WSBA form letter template with instructions for disciplinary counsel

86. Incomplete draft of correspondence by Kevin Bank, including WSBA form letter template instructions for disciplinary counsel

87. Draft Request For Release of Confidential Disciplinary Information

88. Draft Request For Release of Confidential Disciplinary Information

89. Draft Request For Release of Confidential Disciplinary Information

90. Draft Statement of Concern with interlineations and strike-throughs

91. Draft Statement of Concern with interlineations and strike-throughs

92. Draft Statement of Concern

Documents from File No. 11-00659:

93. Internal WSBA deferral form prepared by Kevin Bank

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7
**STATE OF WASHINGTON
WHATCOM COUNTY SUPERIOR COURT**

8 State of Washington,
9 Plaintiff,
10 v.
11 Rosemary Kamb
12 Defendant.

No. 13-1-01064-2

**[PROPOSED]
ORDER GRANTING WSBA's
MOTION TO QUASH/FOR
PROTECTIVE ORDER**

13
14
15 This matter came before the Court for a hearing before the undersigned
16 Judge on the date set forth below, upon the motion of the Washington State Bar
17 Association to Quash or for a Protective Order.
18

19 The Court has reviewed the records and files herein and has considered the
20 arguments of counsel and/or the parties, and now, therefore, does hereby Order as
21 follows:
22

23
FINDINGS AND CONCLUSIONS

24 1. Access to disciplinary information is regulated by the Washington
25 Supreme Court, through its ELC, and not by the lower courts in Washington. In
26

1 Washington, the Supreme Court has exclusive responsibility to administer the
2 lawyer discipline system. ELC 2.1; *Graham v. Washington State Bar Ass'n*, 86
3 Wn.2d 624, 631, 548 P.2d 310 (1976). The Supreme Court has, through the ELC,
4 delegated certain functions to WSBA's staff, Board of Governors, and appointees.
5 ELC Title II. The Supreme Court has delegated only limited functions to the
6 lower courts, none of which is at issue here. ELC 4.7; ELC 8.9; ELC 13.9(l).

8 2. The Washington attorney discipline system is "codified" in the ELC,
9 adopted by the Supreme Court. The ELC govern all aspects of lawyer disciplinary
10 investigations and proceedings, including access to the documents and
11 information related to those investigations and proceedings. ELC 3.1, 3.2, 3.4.
12 Regulating access to disciplinary information for use in litigation outside the
13 disciplinary system is not a function the Supreme Court has delegated to the
14 lower courts through the ELC. Accordingly, this Court lacks jurisdiction to
15 compel WSBA to disclose disciplinary records or information pursuant to a
16 subpoena issued by a litigant in this case.

19 3. The defendant's subpoena duces tecum to the WSBA seeks
20 documents related to WSBA's investigation involving the Keating trust and the
21 complaint of Ms. Knott. WSBA has already provided the defendant with the non-
22 privileged documents that relate to that investigation.

24 4. WSBA further provided the defendant with a log of the documents it
25 contends are protected from disclosure by the work product doctrine. The Court is
26

1 satisfied that these documents are work product and therefore properly withheld.

2 CR 26(b)(4); CrR 4.7(f)(1).

3 5. The defendant has not established that the records and testimony
4 sought from the WSBA through the subpoena duces tecum and trial subpoenas
5 are material to the issues in this case.
6

7 **ORDER**

8 Based on the foregoing, it is hereby ORDERED, ADJUDGED, and
9 DECREED as follows:

10 1. WSBA's Motion to Quash or for Protective Order is hereby
11 GRANTED.
12

13 2. The subpoena duces tecum issued to WSBA is hereby quashed.
14 WSBA has no obligation to produce additional documents in connection with this
15 case.
16

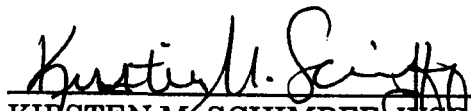
17 3. The trial subpoenas issued to Douglas Ende, Kevin Bank, Francesca
18 D'Angelo, and Vanessa Norman are hereby quashed.

19 [4. Alternatively, the testimony of these witnesses is limited as
20 follows: _____
21 _____
22 _____
23 _____.]
24
25
26

1 DATED this ____ day of _____, 2014.
2
3

4 JUDGE, WHATCOM COUNTY SUPERIOR
5 COURT

6 Presented by:
7

8 

9 KIRSTEN M. SCHIMPF, WSBA # 31299
10 Assistant General Counsel
11 Washington State Bar Association
12 Attorney for WSBA, Douglas Ende, Kevin
13 Bank, Francesca D'Angelo, Vanessa Norman
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