

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
9/6/2019 12:53 PM  
BY SUSAN L. CARLSON  
CLERK

No. 97468-3

**IN THE SUPREME COURT FOR THE STATE OF WASHINGTON**

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CHRISTOPHER GUEST and SUZANNE GUEST, husband and wife,  
Plaintiffs/Defendants/Appellants

v.

DAVID LANGE and KAREN LANGE, husband and wife and the marital  
Community comprised thereof,

Defendants/Counterclaimants/Appellees

THE COE FAMILY TRUST and Trustee Michael Coe,  
Interveners,

v.

CHRISTOPHER GUEST and SUZANNE GUEST, husband and wife,  
Appellees/Respondents

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**ERRATA**

**APPELLANT SUZANNE GUEST  
AND APPELLANT CHRISTOPHER GUEST'S JOINT AND  
COMBINED ERRATA TO AMENDED PETITION FOR  
REVIEW AND AMENDED APPENDIX DOCUMENT  
WITHOUT ANY GUEST WAIVER**

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Suzanne Guest  
Christopher Guest  
Appellants  
6833 Main Sail Lane  
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Petitioners submit the following Errata to their Amended Petition for Review and Petition for Review Amended Appendix.

1. **Amended Petition, Page 17:**

Petitioners cited to RAP 8.1 on page 17 of their Amended Petition, Section G “THE GUESTS SHOULD RECEIVE AN AWARD OF FEES”, an inadvertent typographical error. As identified in Petitioners’ Table of Authorities, the citation to RAP 8.1 should be RAP 18.1.

2. **Appendix to Amended Petition:**

The following corrections are made to the Appendix to the Amended Petition, Appendix Exhibit D, the Declaration of Suzanne Guest, pages D174- D198 (see attached Exhibit A, excerpts of the Declaration, for the Court’s ease of reference and convenience):

a) Guest Declaration page 9, ¶ 33, Appendix page D182: the December 10, 2016 date identified in the first two sentences of that paragraph should be “December 10, 2013” as referenced elsewhere, an inadvertent typographical error;

b) Guest Declaration page 17, ¶ 67, Appendix page D190, first sentence, and also Declaration pages 20 and 21, ¶¶ 83 and 86, Appendix pages D193 and D194 under the section “Attempt to Tamper and Suborn Perjury”, first sentences in each paragraph, the reference to attorney “John

Holum” should be to attorney “Everett Holum”, inadvertent typographical error.

Respectfully submitted this 6<sup>th</sup> day of September, 2019.

/s/ Suzanne Guest  
Petitioner

/s/ Christopher Guest  
Christopher Guest

#### CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned have been a resident of the State of Washington, am over the age of eighteen years, am a party to and/or are interested in the above-entitled action, and am competent to be a witness herein. On the date given below, I caused to be served the foregoing document and attachments on the following persons and in the manner listed below through the Washington State Appellate Court Portal system:

<p>Irene Hecht  Maureen Falecki  Keller Rohrback L.L.P.  1201 Third Avenue, Suite 3200  Seattle, Washington 98101-3052</p>	<p><input checked="" type="checkbox"/> Electronically through the Washington State Appellate Court Portal system  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>
<p>Timothy Farley  Seattle, WA 98101-4097</p>	<p><input checked="" type="checkbox"/> Electronically through the Washington State Appellate Court Portal system to:   timothy.farley@thehartford.com</p>
<p>Patrick McKenna  Betsy Gillaspay  Gillaspay &amp; Rhode PLLC  821 Kirkland Ave. Suite 200  Kirkland, WA 98033-6311</p>	<p><input checked="" type="checkbox"/> Electronically through the Washington State Appellate Court Portal system  <input type="checkbox"/></p>
<p>William Lynn  Shelly Andrews  Gordon Thomas Honeywell  1201 Pacific Ave, #2100  Tacoma, Washington 98402  wlynn@gth-law.com  sandrew@gth-law.com</p>	<p><input checked="" type="checkbox"/> Electronically through the Washington State Appellate Court Portal system</p>

DATED this 6th day September, 2019 at Gig Harbor, Washington.

/s/Suzanne Guest  
Suzanne Guest

**EXHIBIT A**



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SUPREME COURT  
STATE OF WASHINGTON  
8/7/2019 4:57 PM  
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CLERK

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APPELLANTS' AMENDED PETITION FOR REVIEW

---

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SUPREME COURT  
STATE OF WASHINGTON  
8/8/2019 8:00 AM  
BY SUSAN L. CARLSON  
CLERK

No. 97468-3

IN THE SUPREME COURT FOR THE STATE OF WASHINGTON

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CHRISTOPHER GUEST and SUZANNE GUEST, husband and wife,

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APPENDIX  
APPELLANTS' AMENDED PETITION FOR REVIEW

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## **APPENDIX D**



FILED  
Court of Appeals  
Division II  
State of Washington  
5/28/2019 4:34 PM

No. 50138-4-II

IN THE COURT OF APPEALS  
OF THE STATE OF WASHINGTON

---

CHRISTOPHER GUEST and SUZANNE GUEST, husband and wife,  
Plaintiffs/Defendants/Appellants

vs.

DAVID LANGE and KAREN LANGE, husband and wife and the marital  
Community comprised thereof,

Defendants/Counterclaimants/Appellees

THE COE FAMILY TRUST and Trustee Michael Coe,  
Interveners,

vs.

CHRISTOPHER GUEST and SUZANNE GUEST, husband and wife,  
Appellees/Respondents

---

APPENDIX

APPELLANTS' SUZANNE GUEST AND CHRISTOPHER  
GUEST'S RAP 12.4 MOTION FOR RECONSIDERATION

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D19

DECLARATION OF SUZANNE GUEST

(Attorney Ambrosia-Walt/Wilson Law Firm and Attorney Charles Tyler Shillito/Smith Alling Law Firm's Attempt to Tamper With A Witness/ Suborn Perjury Inducing John English To Commit Deposition Perjury at his 2016 *Spinnaker Ridge v. Guest* Depositions)

I, Suzanne Guest, declare that the following facts, statements, admissions, actions, acts, events and circumstances are true and correct and that I have personal knowledge of the same.

1. I am over the age of eighteen, I am competent to testify in any court, and I have personal knowledge of the facts, statements, admissions, actions, acts, events and the circumstances declared below all of which are true and correct.

Background

2. I am and have been a party in the *Guest v. Lange/Lange v. Guest* Pierce County Superior Court No. 11-2-16364-0 action in the superior court and on remand and in all related appeals and appellate matters, including the current *Guest v. Lange/Lange v. Guest et al.* Appeal No. 50138-4-II.

3. I am an attorney and have also been and have acted as an attorney in the *Guest v. Lange/Lange v. Guest et al.* matter in the superior court and on appeal, at times in conjunction and association with outside and/or retained counsel.

the end of the December 2013 meeting, when Attorney Fritts asked Christopher and I to continued meeting with him at a Starbucks next door to our meeting location to 'continue to talk', notifying me and Christopher when as a courtesy after we went into Starbucks to notify Attorney Fritts that we would not be meeting with him at Starbucks, that if we pursued our claims then there would be a multitude of attorneys and law firms that would be opposing us, there would coverage counsel.

33. Attorney Fritts also notified me and Christopher on December 10, 2016 that he did not know who he or his firm would represent if we pursued our claims whether he and the firm would represent the Association or the board and any of its members because he and his firm could not represent both – even though the Wilson firm was already representing the Association and the Association board and all of its members including John English without disclosing that fact to us – warning us it meant that one law firm would be representing the Association and another one or more would be representing the board and its members.

34. Although Attorney Fritts and the Wilson law firm would not disclose or identify who their clients were to us on December 10, 2013 despite our repeated requests for disclosure, Attorney Ambrosia-Walt disclosed and revealed on February 17, 2016 almost three (3) years later who at least some of the Wilson law firm and its attorneys and John Fritts'



63. These English responses mirrored former Spinnaker Ridge board member Gary Williamson's earlier *Spinnaker Ridge* 2016 deposition testimony that sometimes it was and it is 'OK' to lie depending on the situation.

64. Smith Alling attorney Kelly DeLaat-Maher abruptly cut off John English's February 2016 deposition after John English testified that he did not know if a June 13, 2011 alleged ACC meeting that had resulted in a purported - but a suspiciously manufactured, fake and 'forged' ACC written decision and alleged ACC 'minutes' - had ever happened. (Exhibit 1, TR 266:16-25).

April 18, 2016 English Deposition

65. Wilson law firm attorney Ambrosia-Walt attended and participated in the continued April 18, 2016, deposition of John English.

66. This time, Smith Alling attorney Charles Tyler Shillito ("Shillito") an attorney of record in the *Spinnaker Ridge* action and appeal attended Mr. English's deposition instead of attorney DeLaat-Maher.

67. Tacoma attorney John Holum of the Holum & Hann law appeared at, attended and participated in the April 2016, deposition as an attorney for John English, notwithstanding that the Wilson law firm and attorney Ambrosia-Walt were John English attorneys.

68. Attached hereto as **Exhibit 2** are true and correct excerpts

73. Approximately 1 ½ hours into the deposition, I notified counsel and witness John English that I was going to pass the witness at that time, reserving Guest follow up time, so that other counsel could ask questions if they wanted. The court had ruled earlier that there would be a time limit to John English's continued deposition granting Attorney Ambrosia-Walt's and Smith Alling attorney DeLaat-Maher's limitation request.

Attempt To Tamper and Suborn Perjury

74. Attorney Ambrosia-Walt indicated that she wanted to ask questions, but that she wanted "one second" to talk to Attorney Shillito.

75. At attorney Ambrosia-Walt's request, we took a recess. The recess time was recorded by the court reporter in the deposition transcript.

76. Attorneys Ambrosia-Walt and Shillito left the Spinnaker Ridge Clubhouse building where the deposition was being taken to talk. I observed that they went outside to talk.

77. One second turned into five minutes.

78. Attorney Holum remained in the Clubhouse in the room where we were taking the deposition.

79. After a couple of minutes, attorney Ambrosia-Walt returned. She asked attorney Holum if he would step outside and talk with her and attorney Shillito. Attorney Holum agreed. Attorney Holum got



up, walked out of the Clubhouse and went outside to talk to attorney Ambrosia-Walt and Shillito at Ambrosia-Walt's request.

80. The witness, John English, was sitting directly opposite me and Christopher at the 'foldable' rectangular table that was being used as a deposition table.

81. Approximately a minute later, attorney Holum returned to the Clubhouse and the open floor plan room where the deposition was being taken. Attorney Ambrosia-Walt and attorney Shillito did not return.

82. Attorney Holum did not ask me or Christopher to leave the room so that he could talk to his client, John English.

83. John Holum did not position himself or John English in a situation where I would not be able to hear what Attorney Holum was going to say to his client.

84. Attorney Holum walked over to John English, positioned himself on John English's right side, leaned over and angled his face towards me and Christopher.

85. In a normal speaking voice that it was obvious that I could hear and also that Christopher could hear over the narrow rectangular 'fold up' table, attorney Holum told John English as Attorney Holum angled his face towards me and Christopher directly across from Attorney Holum that

"the attorneys" had asked him [John Holum] to ask "him", i.e. John English, if he [John English] would be willing to change his testimony.

86. Attorney John Holum did not whisper. John Holum made no attempt to keep this attorney communication with John English confidential.

87. I observed the witness, John English, a former Spinnaker Ridge Association board member and Association vice president and officer who voted to sue me and Christopher on January 23, 2014 immediately and without hesitation affirmatively nodded his head "yes".

88. John English was looking straight ahead at me and at Christopher when Attorney Holum spoke to him.

89. John English did not ask to confer with Attorney Holum before answering attorney Ambrosia-Walt and the Smith Alling law firm's question.

90. After I saw John English nod his head "yes", I heard him then immediately and again without any hesitation say the word "yes".

91. Attorney Holum did not say anything to John English after relaying the question that attorney Ambrosia-Walt and attorney Shillito had asked him to relay to John English.

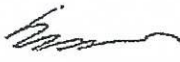
92. On April 18, 2016, John English in my presence and in Christopher's presence affirmatively and immediately agreed - without any

testimony at their request as part of future official court proceedings, including but not limited to the continuation of John English's *Spinnaker Ridge* April 18, 2016 deposition.

106. As above, on May 12, 2016, Attorney Ambrosia-Walt identified John English as a "key witness" as part of her May 12, 2016 *Spinnaker Ridge* Declaration that she and the Wilson law firm filed in the *Spinnaker Ridge* Pierce County Superior Court action and served on me.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON AND ALSO THE STATE OF ARIZONA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED this 14<sup>th</sup> day of June, 2018 at Phoenix, Arizona.

  
\_\_\_\_\_  
Suzanne Guest

September 06, 2019 - 12:53 PM

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 97468-3  
**Appellate Court Case Title:** Christopher and Suzanne Guest v. David and Karen Lange  
**Superior Court Case Number:** 11-2-16364-0

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- sandrew@gth-law.com
- timothy.farley@thehartford.com
- wlynn@gth-law.com

**Comments:**

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