FILED

MAY 10 2017

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By_____

No. 35093-2

IN THE COURT OF APPEALS, DIVISION III

OF THE STATE OF WASHINGTON

DANIEL VARGAS,

Appellant,

vs.

CITY OF ASOTIN

Respondent

BRIEF OF APPELLANT

Lucy L. Dukes
Attorney for Appellant

Law Office of David A. Gittins
843 Seventh Street
Clarkston, WA 99403
(509) 758-2501
WSBA #46843

TABLE OF CONTENTS

Table of Authorities iii

A. Assignments of Error 1

1. The trial court erred in granting the City of Asotin's Motion for Summary Judgement by order entered on February 7, 2017. 1

Issues Pertaining to Assignments of Error 1

1. Is summary judgment appropriate when the employee alleging wrongful termination can demonstrate his employment record previous to termination was clean and the termination of employment occurred just after the employee reported misconduct? (Assignment of Error 1.) 1

2. Can the appellant establish the causation element of his wrongful discharge claim with circumstantial evidence, including timing and pressure on a fellow officer to build a pretext, coupled with evidence of a previously satisfactory performance? (Assignment of Error 1.) 1

3. Is evidence showing the defendant's agent was seeking information about and discussing Plaintiff's reporting of misconduct sufficient to raise a material issue of fact regarding whether Defendant's alleged reason for firing the plaintiff was pretextual? (Assignment of Error 1.) 1

B. Statement of the Case 2

C. Summary of Argument 6

D. Argument 7

1. Mr. Vargas's previously clean employment record and evidence that Mr. Derbonne knew of Mr. Vargas's reporting create questions of material fact determinative to his claim, so no summary judgment should have issued. 7

2. Mr. Vargas can offer circumstantial evidence creating questions of material fact on the causation element of his claim, including timing, pressure exerted on a fellow officer to build a pretext, and discussion with that fellow officer showing that Mr. Derbonne was aware of his reporting. 11

3. Mr. Vargas's evidence shows the defendant's agent was seeking information about and discussing Mr. Vargas's reporting of misconduct, which creates issues of material fact regarding whether insubordination was a pretext for his termination. 15

E. Conclusion 17

TABLE OF AUTHORITIES

Table of Cases

Absher Const. Co. v. Kent School Dist. No. 415, 77 Wn.App. 137, 142, 890 P.2d 1071(App. Div. 1 1995); *citing Vacova Co. v. Farrell*, 62 Wn.App. 386, 395, 814 P.2d 255 (1991) 8

Berger v. Sonneland, 144 Wn.2d 91, 102, 26 P.3d 257 (2001) 8

Burnside v. Simpson Paper Co., 123 Wn.2d 93, 108, 864 P.2d 937 (1994) 13

Grimwood v. University of Puget Sound, Inc., 110 Wn.2d. 355, 359, 753 P.2d 517 (1988) 8

Hurlbert v. Gordon, 64 Wn.App. 386, 393, 824 P.2d 1238 (1992); *citing Sea-Pac Co. v. United Food & Comm'l Workers Local Union 44,* 103 Wn.2d 800, 802, 699 P.2d 217 (1985) 7

Keisel v. Bredick, 192 Wn. 665 669, 74 P.2d 473 (1937) 13

Morris v. McNicol, 83 Wn.2d 491, 494, 519 P.2d 7 (1974) 8

Neighborhood Alliance of Spokane County v. County of Spokane, 172 Wn.2d 702, 715, 261 P.3d 119, 125 (2011). 8-9

Piel v. City of Federal Way, 177 Wn.2d 604, 609-610, 306 P.3d 879 (2013) 12, 13

Wilmot v. Kaiser Aluminum and Chemical Corp., 118 Wn.2d 46, 69, 821 P.2d 18 (1991), *citing 1 L. Larson, Unjust Dismissal* § 6.05[5], at 6-51 (1988). 13-14, 15, 16

RULES

Civil Rule 56 . . . . . 7, 8

Evidence Rule 401 13

Evidence Rule 402 13

A. ASSIGNMENTS OF ERROR

1. The trial court erred in granting the City of Asotin's Motion for Summary Judgement by order signed on February 7, 2017.

ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. Is summary judgment appropriate when the employee alleging wrongful termination can demonstrate his employment record previous to termination was clean and the termination of employment occurred just after the employee reported misconduct, creating questions of material fact?
2. Can Mr. Vargas provide evidence to support the causation element of his wrongful discharge claim, creating issues which must be resolved by a trier of fact?
3. Can Mr. Vargas provide evidence to show that his reporting was a substantial factor, if not the overriding cause, of his termination, thereby creating questions of material fact on whether the City had overriding justification for Mr. Vargas's termination?

B. STATEMENT OF THE CASE

Daniel Vargas ("Mr. Vargas") worked for the City of Asotin ("City") as a Police/Patrol Officer from January 4, 2012 until April 8, 2013, at which point the City terminated his employment. Clerk's Papers (CP), 72, 74. Mr. Vargas alleges in this lawsuit that the City terminated his employment because he had reported the misconduct of his supervisor, Asotin Police Chief Bill Derbonne ("Mr. Derbonne"), to various law enforcement entities and to the City. CP 4.

Mr. Vargas had spent most of his previous career working for the Contra Costa County Sheriff's Office in California, ultimately becoming a "Specialist" who handled very dangerous assignments along with his patrol duties. CP 126.

Mr. Vargas wanted to spend more time with his family, so when Mr. Derbonne contacted him regarding working for the City of Asotin, Mr. Vargas and his family moved northward. CP 127. Then he began to observe Mr. Derbonne engaging in what he believed to be misconduct: mishandling evidence, operating his gun business from the City police department and even his patrol vehicle, and killing Canada geese. CP 127-

128. On one occasion, Mr. Derbonne shot a goose during the day and told Mr. Vargas to bag up the bird and dispose of it in the dumpster. CP 98.

Mr. Vargas reported Mr. Derbonne to City staff for killing the geese. CP 3. He reported Mr. Derbonne to the Federal Bureau of Investigation for failing to keep evidence logs and failing to establish and implement evidence protocols. CP 3. Mr. Vargas reported Mr. Derbonne to the Bureau of Alcohol, Tobacco, Firearms and Explosives for operating his gun business in an illegal manner. CP 3.

Mr. Derbonne had spoken to Reserve Officer Bill Guinn (Mr. Guinn") about Danny's reporting, and on March 25, 2013, instructed Mr. Guinn to speak to Asotin Mayor Vicki Bonfield ("Ms. Bonfield") regarding Mr. Vargas, further stating that someone needed to go. CP 88, 92-93. Just after that, Mr. Derbonne exerted pressure on Mr. Guinn to write a negative statement regarding Mr. Vargas. CP 93. The very next day, Mr. Derbonne entered City Hall, where then-City Councilman and Public Safety Committee member Anthony Rogers ("Mr. Rogers") was working with his wife, Tiffany Rogers ("Ms. Rogers"), and locked the door behind him. CP 82, 96. City Streets Supervisor Bob Portlock ("Mr.

Portlock"), who was just leaving, observed Mr. Derbonne's demeanor and was prompted to call City Hall to ask if everything was okay. CP 82, 96.

Meanwhile, a confrontation ensued between Mr. Rogers and Mr. Derbonne. CP 82, 96-97. Mr. Derbonne, hand on his gun at one point, demanded to know if Mr. Rogers had been talking to Mr. Vargas, and then he asked about Mr. Guinn. CP 82, 96-97. Ms. Rogers grew so upset and afraid during the incident that she locked herself in the bathroom. CP 82, 97. Mr. Rogers told Mr. Derbonne to get out. CP 82, 97. Eventually, Mr. Derbonne left. CP 82.

That same day, Mr. Rogers called Mr. Vargas about what had happened while Mr. Vargas was in taser training with other area law enforcement officers. CP 97. Mr. Vargas subsequently reported the incident to the Washington State Patrol and the Asotin County Sheriff's Office. CP 97, 128. The next day, Mr. Rogers emailed Asotin County Prosecuting Attorney Ben Nichols about the incident. CP 82-83. On March 29, 2013, Mr. Derbonne and Ms. Bonfield called Mr. Vargas into a meeting. CP 41. At the meeting, Mr. Vargas declined to sign the form they presented to him and asked to be put on administrative leave. CP 33.

Instead of investigating the matter, the City officially terminated Mr. Vargas's employment via letter on April 8, 2013. CP 45.

A record of the meeting establishes that Mr. Vargas told Mr. Derbonne and Ms. Bonfield that "everybody at the Sheriff's Office" knew what had happened at City Hall and "it's all over town." CP 87. The declaration from Deana Portlock shows that Mr. Derbonne stated that Mr. Vargas needed "'to go' before he starts telling everybody." CP 99. A letter in the personnel file demonstrates Mr. Derbonne's desire to rid the department of Mr. Vargas. CP 88-89. This undated letter was not in Mr. Vargas's personnel file before he was put on administrative leave. CP 128. The firing happened after Mr. Derbonne expressed acute concern about who Mr. Vargas had been speaking to, and what Mr. Vargas had said. CP 96-97, 99.

Mr. Vargas filed a Complaint on November 27, 2013. CP 1-6. The City of Asotin filed a Motion for Summary Judgment on December 3, 2016. CP 16-17. Mr. Vargas timely responded and a hearing was held on January 18, 2017. CP 72-90, 118. The Trial Court decided in the City of Asotin's favor and signed a written decision on February 8, 2017. CP 118-119. Mr. Vargas now appeals on the basis that questions of material fact

precluded summary judgment in this case, therefore the trial court erred when it issued summary judgment for the City of Asotin.

C. SUMMARY OF ARGUMENT

Evidence of Mr. Vargas's previously clean employment record and evidence that Mr. Derbonne knew of Mr. Vargas's reporting create questions of material fact determinative to his claim, making a summary judgment resolution to this case inappropriate. CP 92, 96-97, 99, 128.

Mr. Vargas can offer admissible evidence from his personnel file and witnesses showing and tending to show that Mr. Derbonne was aware of his reporting, did not like it, and wanted to get rid of Mr. Vargas, creating questions of material fact on the causation element of his claim. CP 92, 96-97, 99. He can also supply evidence showing that Mr. Derbonne pressured Mr. Guinn to create a paper trail which, in the level of detail demanded, would support the termination of Mr. Vargas's employment. CP 92-93. This, coupled with the evidence discussed above, creates issues of material fact regarding whether insubordination was a pretext for his termination. Because of these questions of material fact, the trial court should not have issued a summary judgment in this case.

D. ARGUMENT

1. Evidence of Mr. Vargas's previously clean employment record and evidence that Mr. Derbonne knew of Mr. Vargas's reporting create questions of material fact which should have precluded summary judgment.

This case should not have been decided on summary judgment because the evidence shows genuine issues of material fact on the causation element of Mr. Vargas's claim, and an issue of material fact on whether the City of Asotin can offer an overriding justification for dismissing Mr. Vargas from his job as a police officer.

Summary judgment is appropriate "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." CR 56(c). Summary Judgment shall also be granted "if reasonable minds could reach only one conclusion on that issue, based upon the evidence presented, construed in a light most favorable to the non-moving party." *Hurlbert v. Gordon,* 64 Wn.App. 386, 393, 824 P.2d 1238 (1992); *citing Sea-Pac Co. v. United Food & Comm'l Workers Local Union 44,* 103 Wn.2d 800, 802,

699 P.2d 217 (1985). "A material fact is one upon which the outcome of the litigation depends, in whole or in part." CR 56; *Morris v. McNicol*, 83 Wn.2d 491, 494, 519 P.2d 7 (1974). CR 56(e) goes on to state, ". . . supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. . ." CR 56(e). Conclusions of fact, conclusory statements, and ultimate facts are insufficient to raise a question of fact. *Grimwood v. University of Puget Sound, Inc.*, 110 Wn.2d. 355, 359, 753 P.2d 517 (1988). "The moving party bears the burden of demonstrating there is no genuine dispute as to any material fact" *Berger v. Sonneland*, 144 Wn.2d 91, 102, 26 P.3d 257 (2001); however, the opposing party's case must not rest on speculation: "Mere unsupported conclusory allegations and argumentative assertions will not defeat summary judgment." *Absher Const. Co. v. Kent School Dist. No. 415*, 77 Wn.App. 137, 142, 890 P.2d 1071(App. Div. 1 1995); *citing Vacova Co. v. Farrell*, 62 Wn.App. 386, 395, 814 P.2d 255 (1991). The Court of Appeals reviews summary judgment decisions de novo, engaging "in the same inquiry as the trial

court." *Neighborhood Alliance of Spokane County v. County of Spokane*, 172 Wn.2d 702, 715, 261 P.3d 119, 125 (2011).

While the City of Asotin argued for summary judgment saying that Mr. Vargas could not establish causation and that it had offered an overriding justification for terminating Mr. Vargas's employment, Mr. Vargas showed that he could submit evidence showing that Mr. Derbonne knew and was worried about Mr. Vargas's reporting, (CP 92, 96-97, 99) and that Mr. Derbonne was looking to fire Mr. Vargas and to create a paper trail sufficient in its detail to support firing Mr. Vargas. CP 88-89, 92-93, 99. This evidence creates questions of material fact on the causation and justification prongs of Mr. Vargas's wrongful termination claim.

Mr. Vargas can present both documentary evidence and witness testimony. Documentary evidence shows that Mr. Derbonne knew about Mr. Vargas's discussing the City Hall incident with people from the Sheriff's Office, at the least and latest, when he met with Mr. Vargas on March 26, 2013. CP 87. The record of the March 29, 2013 meeting shows that if he didn't already know, Mr. Vargas told him. CP 87. The letter from Mr. Derbonne to Mr. Vargas, inserted into Mr. Vargas's personnel file after he was put on administrative leave (CP 128), shows

that Mr. Derbonne was contemplating Mr. Vargas's departure from the police department, stating "Officer Vargas, it really appears that you are very unhappy working for the Asotin Police Department, if this is the case then I would encourage you to gain employment elsewhere." CP 89. The timing of the meeting which triggered Mr. Vargas's administrative leave in close temporal proximity to Mr. Vargas's reporting the City Hall incident to the Sheriff's Office, and the subsequent termination of Mr. Vargas constitute evidence as well. CP 128.

Furthermore, the declarations submitted show further issues of material fact over causation and debate over justification. The declaration from Deanna Portlock shows that Mr. Derbonne "kept saying Danny 'needs to go' before he starts telling everybody" and further asserts that Mr. Derbonne stated he had heard that Mr. Vargas already had told everybody. CP 99. Furthermore, the Court can tell from Mr. Rogers' declaration describing the City Hall incident that Mr. Derbonne was enormously concerned with who Mr. Vargas had been talking to. CP 96-97. Then, shortly after discussing the City Hall incident with the Sheriff's Office, Mr. Vargas was pulled into a meeting with Mr. Derbonne and Ms. Bonfield, during which they discussed "trash talking." CP 41, 87,128.

In addition, the level of pressure that Mr. Derbonne exerted on Mr. Guinn to write his missive tends to show that Mr. Derbonne was actively soliciting documentation which could prove useful for an adverse employment decision. CP 93. A quick statement, after all, was not good enough for Mr. Derbonne's purposes, though by common sense it would have been for the purpose of discussing the alleged problems. CP 93.

This expected testimony does not constitute unsupported and conclusory allegations, but rather contains circumstantial evidence tending to show that (1) Mr. Derbonne, and therefore the City of Asotin, knew about Mr. Vargas's reporting (CP 92, 99); (2) Mr. Derbonne did not like the reporting (CP 92, 96-97, 99); and (3) he wanted to get rid of Mr. Vargas. CP 99. This, combined with Mr. Vargas's previously clean record (CP 96, 128) creates questions of material fact regarding causation and the city's purported justification for the termination. CP 34. A finder of fact should weigh this evidence against Mr. Derbonne's and Ms. Bonfield's assertion that they did not know Mr. Vargas had engaged in whistle-blowing activities prior to his dismissal. CP 34, 48.

2. Mr. Vargas can offer circumstantial evidence creating questions of material fact on the causation element of his claim, including timing, pressure exerted on a fellow officer to build a pretext, and a

discussion with that fellow officer showing that Mr. Derbonne was aware of Mr. Vargas's reporting.

Mr. Vargas can offer admissible circumstantial evidence supporting the causation element of his claim, including evidence showing the timing of the firing occurred shortly after Mr. Vargas discussed the City Hall incident with the Asotin County Sheriff's Office (CP 41, 96, 128); evidence of Mr. Derbonne's discussions with Bill Guinn showing he knew about Mr. Vargas's reporting (CP 92); and evidence of pressure placed upon Mr. Guinn to write a negative statement about Mr. Vargas right before Mr. Vargas was terminated. CP 92. Mr. Vargas's previously clean employment record also constitutes evidence tending to show that the City of Asotin knew of the reporting and that insubordination was a pretext for terminating Mr. Vargas's employment. CP 96, 128.

Washington recognizes public policy wrongful discharge tort claims arising from discharge of an employee because of his whistle-blowing activities. *Piel v. City of Federal Way*, 177 Wn.2d 604, 609-610, 306 P.3d 879 (2013). To establish such a wrongful discharge claim, the evidence must show (1) a clear public policy exists; (2) that "discouraging the conduct in which the employee engaged would jeopardize the public policy"; (3) that the conduct linked to public policy caused the dismissal;

and (4) the defendant cannot offer an overriding justification for the dismissal. *Piel* at 610.

Under Evidence Rule 401, relevant evidence is "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." ER 401. "All relevant evidence is admissible, except as limited by constitutional requirements or as otherwise provided by statute..." ER 402. All that is required for evidence to be relevant is "minimal logical relevance." *Keisel v. Bredick*, 192 Wn. 665 669, 74 P.2d 473 (1937). The trier of fact weighs the evidence. *Burnside v. Simpson Paper Co.*, 123 Wn.2d 93, 108, 864 P.2d 937 (1994). Circumstantial evidence can support a verdict. *Id.*

Washington has recognized the importance of circumstantial evidence in proving the causation element of the wrongful discharge claim. "Proof of the employer's motivation may be difficult to obtain. 'Ordinarily, the prima facie case must, in the nature of things, be shown by circumstantial evidence, since the employer is not apt to announce retaliation as his motive.'" *Wilmot v. Kaiser Aluminum and Chemical Corp.*, 118 Wn.2d 46, 69, 821 P.2d 18 (1991), *citing 1 L. Larson, Unjust Dismissal* § 6.05[5], at 6-51 (1988). Proximity in time between the

protected conduct and the firing, "coupled with evidence of satisfactory work performance and supervisory evaluations" can serve as such evidence. *See Wilmot* at 69.

Here, Mr. Vargas has made a prima facie case. The evidence shows the meeting between Mr. Vargas, Mr. Derbonne and Ms. Bonfield occurred shortly after Mr. Vargas reported the City Hall incident to the Asotin County Sheriff's Office (CP 41, 96, 128), and that Mr. Derbonne knew that "everybody" knew what had happened with regard to the City Hall incident. CP 87. Deana Portlock's declaration shows that Mr. Derbonne knew and was upset about Mr. Vargas reporting the goose incident. CP 99. Furthermore, Mr. Guinn's declaration shows that Mr. Derbonne discussed Mr. Vargas's reporting with Mr. Guinn and pressured Mr. Guinn into writing a statement asserting Mr. Vargas had treated him badly during training. CP 92-93. The statement Mr. Derbonne requested had to be detailed, not just a quick letter which might have served to focus conversation on Mr. Vargas's alleged deficiencies. CP 93.

The letter to Mr. Vargas, inserted after he was put on administrative leave, shows that separating Mr. Vargas from employment was not all Ms. Bonfield's idea. CP 89. Furthermore, the lack of disciplinary action in Mr. Vargas's file, and his otherwise clean work

history constitute circumstantial evidence of the City's retaliatory motive, tending to show a likelihood that Mr. Vargas's reporting was linked to the City terminating his employment. CP 96, 128. This logically relevant evidence precludes summary judgment, and weighing that evidence is the job of the trier of fact.

3. Mr. Vargas's evidence shows that Mr. Derbonne was seeking information about and discussing Mr. Vargas's reporting of misconduct, which creates issues of material fact regarding whether insubordination was a pretext for his termination.

Mr. Vargas introduced evidence which creates questions of material fact on whether the City of Asotin's proffered reason for terminating his employment was, in fact, pretextual.

The elements of the wrongful discharge in violation of public policy claim are discussed above, as is the standard for summary judgment. Washington has adopted the "substantial factor test" in evaluating overriding justification in retaliatory discharge claims. *Wilmot* at 72. The test requires the plaintiff to 'respond to the employer's articulated reason (for the termination) by either showing that the reason is pretextual, or by showing that although the employer's stated reason is

legitimate" it was "nevertheless a substantial factor motivating the employer to discharge the worker." *Id.* at 73.

This test is important here because while the City claims that it fired Mr. Vargas for insubordination and refusal to communicate effectively (CP 34), Mr. Vargas argues that insubordination was a pretext. CP 79. Mr. Vargas has evidence to present on the pretextual nature of the firing: he can show that Mr. Derbonne talked to Mr. Guinn about Mr. Vargas's reporting before Mr. Vargas was fired, and that in the same conversation Mr. Derbonne pressured Mr. Guinn to talk to the mayor and write a negative statement about Mr. Vargas. CP 92-93. In addition Mr. Vargas declared that he had previously enjoyed an excellent reputation with no disciplinary actions in his personnel record before he was fired (CP 128), which Anthony Rogers backed up in his declaration. CP 96. Furthermore, Mr. Derbonne more than hinted that Mr. Vargas should find a new job in a letter he inserted into Mr. Vargas's file while Mr. Vargas was on administrative leave (CP 88-89), even though Ms. Bonfield alleged in her declaration that she terminated Mr. Vargas's employment because of his "trash talking" and request to reduce communication with Mr. Derbonne to email. CP 34. The declaration from City Councilman Anthony Rogers showed that Mr. Derbonne had become preoccupied with

what Mr. Vargas was discussing and who he was talking to (CP 96-97); and Deana Portlock submitted a declaration stating that around the time that Mr. Vargas was fired, Mr. Derbonne stated that Mr. Vargas needed "'to go,' before he starts telling everybody." CP 99.

While the pieces of evidence discussed above are not conclusive individually in themselves, together they support the proposition that Mr. Vargas's reporting was at the least a substantial factor in the reason the City fired him. This creates a question of material fact on a determinative issue, therefore summary judgment was not appropriate in this case.

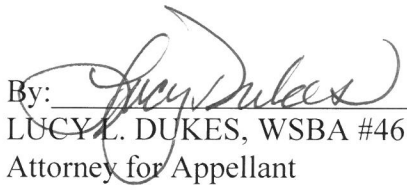
E. CONCLUSION

Summary judgment is appropriate when there are no questions of material fact determinative to the outcome of a case. However, in this case there are outstanding material facts at issue. Mr. Vargas can support the causation element of his claim with testimony, circumstantial evidence of the timing of his firing, his previously clean employment record, and documents tending to show that Mr. Derbonne knew about Mr. Vargas's reporting before Mr. Vargas was fired. He can support the "no overriding" justification element of his claim with similar evidence. It is the trier of fact's job to sort through this evidence and determine the facts. For this reason, this case should not have been determined on summary judgment

and Mr. Vargas asks that this case be remanded to superior court for further action.

DATED this 9th day of May, 2017.

Respectfully Submitted,



By:_____
LUCY L. DUKES, WSBA #46843
Attorney for Appellant

COURT OF APPEALS DIVISION III OF THE STATE OF WASHINGTON

DANIEL VARGAS, Plaintiff, vs. CITY OF ASOTIN, Defendant.	COA Case No. 350932 Asotin County Superior Court No. 13-2-00282-1 DECLARATION OF MAILING

STATE OF WASHINGTON)
: ss
County of Asotin)

Joshua D. Gossner, being first duly sworn upon oath, deposes and states as follows:

That I am a citizen of the United States and the State of Washington; that I am of legal age and not a party to this action.

That on the 9th day of May, 2017, a true and correct copy of the the Brief of Appellant dated May 9, 2017, together with true and correct copies of this Declaration of Mailing and the cover letter accompanying it, were mailed by first class mail, postage prepaid to:

Law Office of
David A. Gittins
843 Seventh Street
Clarkston, WA 99403
(509)758-2501
Facsimile: (509) 758-3576

Michael E. McFarland
Evans, Craven & Lackie, PS
818 W. Riverside, Suite 250
Lincoln Building
Spokane, WA 99201-0910

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

Signed at Clarkston, Washington, on this 9th day of May, 2017.

Joshua D. Gossner

Law Office of
David A. Gittins
843 Seventh Street
Clarkston, WA 99403
(509)758-2501
Facsimile: (509) 758-3576