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STATE OF WASHINGTON  
COURT OF APPEALS  
DIVISION II

Court of Appeals No. 43363-0-II

COURT OF APPEALS  
THE STATE OF  
WASHINGTON DIVISION II

TANYA AND TOMMY RIDER,  
APPELLANTS/PETITIONER

v.

KING COUNTY,  
RESPONDENT

**FILED**  
JAN - 8 2014  
CLERK OF THE SUPREME COURT  
STATE OF WASHINGTON

---

PETITION FOR DISCRETIONARY  
REVIEW

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**ORIGINAL**

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## I. INTRODUCTION

### **Identity of the Parties.**

Tanya and Tommy Rider seek Discretionary Review of the Court of Appeals decision in *Rider v. King County*, Court of Appeals No. 43363-0-II, in which the Court of Appeals, Division II, upheld the summary judgment of dismissal on September 17, 2013.

## II. ASSIGNMENTS OF ERROR

The Court of Appeals, Division II erred in upholding the dismissal of Appellants' claims on September 17, 2013.

## III. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. Whether or not a special relationship was created between Appellants' and Respondent due to Respondent's Representative's assuring Appellant Tom Rider that Respondent's Representatives would actively look for and/or find Appellant Tanya Rider.
2. Whether or not Respondent's representatives gratuitously assumed the responsibility to look for and/or find Appellant Tanya Rider.

## IV. STATEMENT OF THE CASE

**A. The Accident.** On Thursday September 20, 2007 Tanya Rider went missing after she left her job at Fred Meyer in Bellevue

automobile accident off of State Highway 169.

**B. The Investigation.** Appellant Tommy Rider learned that his wife was missing on Saturday September 22nd 2007. CP 297. After Mr. Rider received the call from Fred Meyer, he called 911 and reported that Tanya was missing. CP 297.

In addition to gathering the information requested by the 911 operators, Mr. Rider checked bank accounts and account information to see if there had been any activity. CP 298. He searched for Tanya. CP 298.

Following a conversation with 911, Mr. Rider felt a great deal of relief because someone was finally listening and he finally had someone who was willing to take the lead in locating his wife. CP 298.

On the morning of Monday September 24, 2007 Mr. Rider spoke with Janet Rhodes, Defendant King County Sheriff's Departments ("KCSD") lead investigator for missing persons. CP 299. Mr. Rider and Ms. Rhodes went over much the same information as Mr. Rider had provided to the officer the day before and to the 911 operator. CP 299. Mr. Rider told Ms. Rhodes that the only credit card that Mrs. Rider had with her was her Nordstrom Visa and that was the only account for which he did not have access. CP 299. Ms. Rhodes told Mr. Rider at that time that if something

had gone wrong with Mrs. Rider, the King County Sheriffs Department would locate her. CP 299.

Mr. Rider returned to work and stopped checking their bank accounts. CP 299. Mr. Rider believed that Respondent's investigator had his wife's search well in hand and that she/KCSD would locate his wife.

On Tuesday September 25, 2007, Mr. Rider again spoke with Ms. Rhodes. CP 299. Ms. Rhodes said that there had been activity on one of the accounts, and Mr. Rider was initially relieved because he thought his wife was alive .CP 299. However, he quickly noted that Ms. Rhodes had said "accounts" and called her back a short time later and asked Ms. Rhodes which account she discovered activity on only to learn that it was the USAA account, the account he[Mr. Rider] told her previously that he had access. CP 300.

Tom Rider was advised that Respondent's representatives had found his wife in a ravine adjacent to the roadway, but that she was still alive. CP 301.

Appellant Tom Rider later learned that Mrs. Rider had been found through information Respondent had obtained earlier in the day from Verizon, Appellants' cell phone provider. CP 301-302. He was shocked to learn that Respondent's representatives had not

requested the pertinent cell records until earlier that morning (i.e. September 27th) and located Appellant Tanya Rider less than 90 minutes after receiving the records. CP 301.

There was no factual dispute before the Trial Court in the underlying motion. Respondent representative Rhodes claimed there had been confusion in the information provided, which is why she purportedly did not request the cell phone records earlier. (CP 124) However, the evidence before the Trial court on summary judgment clearly indicated that no "new" information or confusion existed or should have existed.

Notably, Respondent's detectives contacted Verizon cellular via Fax on Thursday, September 27, 2007 at 10:30 a.m. based upon a representation that exigent circumstances existed -there was no warrant issued or that was required to be issued to obtain the records in question. CP 240. In response, Verizon provided a number of pieces of information including that Mrs. Rider's last incoming phone call was on September 24, 2007 at 2248 hours and the call used the south side of the tower located at 15734 203 Ave SE and could have come from a 3-5 mile radius. CP 292. Appellant Tanya Rider was located approximately 90 minutes later with the cell information at approximately 2:14PM, trapped inside her vehicle. CP 147

**C. Summary Judgment.** In March of 2012, Respondent filed its motion for summary judgment of dismissal. On March 30th 2012 the Trial Court granted Respondent's Motion and dismissed Appellants' claims with Prejudice. The Court of Appeals, Division II, upheld the dismissal of Appellant's claims on September 17, 2013; the Court denied the motion for publication on December 3, 2013.

#### **IV. ARGUMENT**

##### **A. Considerations Governing Acceptance of Review**

The Court considers review upon determining whether (1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or (2) If the decision of the Court of Appeals is in conflict with another decision of the Court of Appeals; . . . (4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

RAP 13.4 (b).

The Court should accept review in this matter because the issue of whether the public law enforcement officers owe a duty to citizens who are lost or injured when the law enforcement officers make assurances that efforts will be made to locate and assists such persons is a matter of substantial public interest.

**B. Standard of Review.** The Trial Court dismissed Appellants' claims in the context of a motion for summary judgment. This Court reviews the dismissal of a parties' claim on a summary judgment motion de novo. *Sheikh v. Choe*, 156 Wash.2d 441, 447, 128 P.3d 574 (2006). Respondent is not entitled to the

dismissal of Appellants' claims unless there is no genuine issue of material fact and it is entitled to dismissal as a matter of law. CR 56;

*Wilson v. Steinbach*, 98 Wn.2d 434, 656 P.2d 1030(1982).

**C. Appellants were owed a duty of reasonable care in Respondent's efforts to locate Appellant Tanya Rider under the Special Relationship or Rescue exceptions to the Public Duty Doctrine.**

Respondent's motion before the Trial Court asserted that Respondent owed Appellants' no duty to look for Appellant Tanya Rider.

Consequently, Respondent's argued any claimed breach was not relevant because no duty existed in the first place. CP 15. Appellants' claims were advanced under two of the four exceptions to the public duty doctrine: (1) a special relationship had been formed; and (2) the rescue doctrine.

**1. A duty was owed by Respondent to Appellant under the special relationship exception to the public duty doctrine.** The public duty doctrine is used as a framework for Court's to determine when a governmental entity owes either a statutory or common law duty to a plaintiff who has filed suit alleging negligence. *Cummins v. Lewis County*, 156 Wn.2d 844,853, 133 P.3d 459 (2006). Generally speaking to be actionable, "the duty must be one owed to the injured plaintiff, and not owed to the public in general." *Cummins*, at p.852-citing *Taylor v. Stevens County*, 111 Wn. 2d 159, 759 P.2d 447 (1998). There are four exceptions to the public duty doctrine. The four

exceptions to the public duty doctrine are (1) legislative intent, (2) failure to enforce, (3) rescue doctrine, and (4) a special relationship. *Babcock v. Mason County Fire District*, 144 Wn.2d 774, 786, 30 P.3d 1261 (2001). A government duty based upon a special relationship requires (1) contact or privity between the government and the plaintiff that sets the plaintiff apart from the general public; (2) express assurances given by the government representative to the plaintiff; and (3) justifiable reliance on the part of the plaintiff. *Babcock*, at p. 786. Respondent did not contest for the purposes of the underlying motion the contact/privity requirement. CP 27.

**(a) Defendant King County Representatives made express assurances to Appellant Tom Rider.** This Court should accept review because the Court of Appeals decision is in conflict with *Munich v. Skagit Emergency Communications Center*, 175 Wash.2d 871, 288 P.3d (2012).

As Respondent had to concede for the purpose of its motion, Respondent's lead investigator, Janet Rhode's, told Mr. Rider that "if something had gone wrong, they [Respondent] would locate Tanya Rider and find out what happened". CP 29.

Clearly, by virtue of Respondent's representative's actions they assumed a special relationship by agreeing Respondent would search for Mrs. Rider and "would find her if something had gone wrong".

Respondent's representatives were required to act within the applicable standard of care. *Cummins v. Lewis County*, 156 Wn.2d 844, 853, 133 P.3d 459 (2006).

Two cases highlight the duty assumed by the County for such future performance [in this case locating Mrs. Rider] *Beal v. City of Seattle*, 134 Wash.2d 769, 954 P.2d 237 (1998); and *Munich v. Skagit Emergency Communications Center*, 161 Wn. App. 116, 250 P.3d 491 (2011); affirmed 175 Wash.2d 871, 288 P.3d (2012).

The *Beal* court found that a duty had been created when the assurance was given about a course of performance in the future[ie. the dispatch of the police] without any specific timeframe provided. Beal at p.786.

Similarly in *Munich v. Skagit Emergency Communications Center*, 161 Wn. App. 116, 250 P.3d 491 (2011) a man was shot and killed by his neighbor while speaking with an 911 operator. The operator had advised the man that police had been dispatched, but the operator had coded the situation in erroneously. Sheriff deputies had been dispatched but arrived too late. The *Munich* Court found in accord with *Beal* that when the express assurance involves a promise of future action, there is no requirement that the assurance be

false or inaccurate [or provide for the timing or specifics of the performance] to establish the special relationship. *Munich* at p. 121.

The Court of Appeals incorrectly distinguished *Beal* and *Munich*, stating that a promise of specific action was required. *Rider v. King County*, No. 43363-0-II at 7. However, *Munich* did not require *specific* future action. The Court stated as follows: “This reading of *Meaney* [*Meaney v. Dodd*, 111 Wash.2d 174, 759 P.2d 455 (1988)] is too narrow, because a definite assurance of future acts could be given without a specific time frame, with the government then failing to carry out those acts. *Meaney* specifically involved information about building permit requirements, which either is or is not accurate at the time given. The same cannot be said about assurances that future acts will occur.” *Munich*, at 161 Wash. App. 123, 250 P.3d 495. In affirming the lower court, the Supreme court noted as follows: “We hold that here, where the alleged express assurance involves a promise of action, the plaintiff is not required to show the assurance was false or inaccurate in order to satisfy the special relationship exception. In a 911 case like this, the express assurance element is satisfied when the operator assures the caller law enforcement officers are on their way or will be sent to the caller's location.” *Munich v. Skagit Emergency Comm'n Ctr.*, 175 Wash. 2d 871, 884, 288 P.3d 328, 335 (2012).

As in *Beal* and *Munich*, County investigators and operators in the case at issue made express assurances that the County would take future action—that the County would look for and find Mrs. Rider. These assurances are promises of future performance – and created the duty under the special relationship exception. Thereafter, Respondent had an obligation to use reasonable care in its investigation. *Cummins v. Lewis County*, 156 Wn.2d 844,853, 133 P.3d 459 (2006) Whether or not the County breached its duty remains to be determined following a trial.

**(b) Mr. Rider relied upon King County to reasonably investigate and search for his wife, Tanya Rider.** Respondent also contended below in its motion that Appellants' did not rely on Respondents' representative's and therefore no special relationship existed. CP 31-34. The Court of Appeals affirmed, in part, on this basis, stating “there again is no evidence that Tommy refrained from acting on Tanya's behalf as a result of the County's action.” *Rider*, at 10.

However, the undisputed evidence before the Trial Court clearly indicated that Mr. Rider did in fact rely upon Ms. Rhodes and several other of Respondents' representatives to investigate and locate his wife.

**E. Respondent owed Appellants' a duty to exercise reasonable care in locating Mrs. Rider under the Rescue Exception to the Public Duty Doctrine.**

A second recognized exception to the public duty doctrine is the rescue exception. Under the Rescue Exception, a cause of action for negligence lies against Respondent if (1) Respondent's representative(s) offered to come to the aid of Appellants; (2) Appellants' relied on the aid provided; and (3) Respondent's representatives failed to exercise reasonable care incoming to Appellants' aid. *Chambers-Castanes v. King County*, 100 Wn.2d 275, 285 fn 3; 669 P.2d 451 (1983); *Johnson v. State*, 164 Wn. App. 740, 265 P.3d 199 (2011).

In this case, if Respondent did not assume the special duty based upon its representatives express assurances and subsequent performance, then the duty was gratuitously assumed.

**F. Issues of Fact were before the Trial Court that cannot be resolved on Summary Judgment.**

Respondent argued in its motion that the matter before the trial Court was purely legal – and that whether a duty existed was purely a question of law.

Appellants' agree that the facts were not in dispute, but believe the facts mandate the existence of a duty as a matter of law. At a minimum, whether or not the Respondent's representative's actions constituted assurances should be a question of fact to be resolved by the

trier of fact.

The undisputed evidence before the Trial Court was that Respondent's representatives had made express assurances on both fronts and in fact, Respondent's representative's own actions support the fact that Respondent had assumed a duty and a special relationship with Appellants.

1. Respondent's contention that they never assured Mr. Rider that they would find Tanya Rider was not supported by the record. The undisputed evidence before the Trial court was that Respondent's representative Rhode's did tell Mr. Rider that "if something happened to Mrs. Rider they would find her". CP 299.

2. Respondent's contention that the County never represented it would look for Mrs. Rider is also not supported by the record. Respondent also contended in its underlying motion that no assurances were provided to Mr. Rider that Respondent's detectives would even look for Mrs. Rider. CP 28. Notably, Respondent's representatives were calling Appellant Tom Rider daily with updates on the investigation. It is disingenuous at best to suggest that Respondent never represented it was looking for Mrs. Rider.

As indicated above, finally the report was taken and Mr. Rider was "assured" by both the words and actions of Respondent's representatives that they were actively looking for his wife.

The undisputed evidence before the Trial Court was clear through the Respondent's own admissions Respondent's representatives were actively trying to find Mrs. Rider. Lead investigator Ms. Rhodes admitted in her testimony that she was actively investigating and searching for Mrs. Rider from September 24th until Mrs. Rider was ultimately found on September 27th 2007. (CP 270, 278, 286.)

3. Appellant Tom Rider clearly relied upon Respondent to investigate and locate his wife Appellant Tanya Rider.

Respondent also contended below that there was no reliance on Appellant Tom Rider's part. However, the undisputed and overwhelming evidence before the Court showed that Tom Rider was looking for Tanya Rider. CP 296-302.

After Respondent agreed to search and locate his wife, Appellant Tom Rider returned to work. CP 299.

**G. The only evidence before the Trial Court was that Respondent's Representative's breached the duty owed.**

Although the Respondent's motion focuses on whether a duty exists, Appellants' also offered testimony with respect to the breach of the duty.

Further, the information that Respondent's representative Rhodes believed created the exigent circumstances on Wednesday September 27, 2007 [which in her mind justified the request for the

Verizon cell records] was that Mrs. Rider had not used any of her credit cards or accounts. CP 282. Respondent's representative acknowledges this same fact in her incident report when she first looked at this file three days earlier. CP 270. Respondent's representative was aware as of Monday morning September 24th at 10:35 am that there had been no activity on Tanya Rider's Nordstrom's visa since Thursday September 20th 2007 at 10:00 am. CP 135. Had Respondent's representative made the request at that time, Tanya Rider would have been located and rescued more than three days earlier.

Notably, Respondent's representative also testified that she had routinely used cell phone records for missing persons prior to the Rider case. CP 272-273. Despite her prior experience, between Monday September 24th and Thursday September 27th 2007 Respondent's representative made one telephone call to Verizon [Appellant Tanya Rider's cell phone carrier] and did not even wait to speak to a representative. CP 287.

#### **IV. CONCLUSION**

The Court of Appeals, Division II erred when it affirmed dismissal of Appellants' claims. Appellants have viable claims under the Special Relationship exception to the public duty doctrine and under the Rescue exception. Because the Court of Appeals decision is

in conflict with the decisions of the Supreme Court and Court of Appeals decisions and because the matter involves an issue of substantial public interest that should be determined by the Supreme Court, the Court should accept review.

Respectfully submitted this 2<sup>nd</sup> day of January 2014.

A handwritten signature in black ink, appearing to read 'P.A. Spencer', written over a horizontal line.

Paul A. Spencer,  
Oseran, Hahn, Spring, Straight & Watts, P.S.  
Co-Counsel for Appellants/Petitioners

*APPENDIX*

1. Pierce County Cause 10-2-13111-1 ORDER Granting King County's Motion for Summary Judgment, March 30, 2012
2. Notice of Appeal to the Court of Appeals Division II, April 23, 2011
3. Clerks Papers 1-370, June 5, 2011
4. Unpublished Opinion of Court of Appeals Division II, September 17, 2013
5. COA Division II ORDER Denying Motion to Publish, December 3, 2013

NO. 43363-0-II

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COURT OF APPEALS  
DIVISION II  
OF THE STATE OF WASHINGTON

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TANYA AND TOMMY RIDER,  
APPELLANTS

v.

KING COUNTY,  
RESPONDENT

2014 JUN -2 PM 4:23  
STATE OF WASHINGTON  
COURT OF APPEALS  
DIVISION II  
16700 177

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CERTIFICATE OF SERVICE

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CERTIFICATE OF MAILING/SERVICE

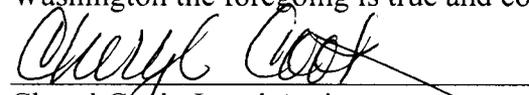
The undersigned, Cheryl C. Cook, certifies that on the 2nd day of January, 2014, she caused to be served via email and/or U.S. Mail, postage prepaid, a copy of the Petition for Discretionary Review by Supreme Court of Washington of the Court of Appeals/Division II, Cause No. 43363-0-II, to the following:

Endel R. Kolde  
Jessica Kozma  
King County Prosecuting Attorney  
Civil Division, Litigation Section  
900 King County Admn Building  
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[endel.kolde@kingcounty.gov](mailto:endel.kolde@kingcounty.gov)  
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Daniel Satterberg  
King County Prosecuting Attorney  
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Seattle, WA 98104  
[dan.satterberg@kingcounty.gov](mailto:dan.satterberg@kingcounty.gov)

In addition, the Appellant's Petition for Discretionary Review was forwarded for filing with the Washington State Court of Appeals, Division II, 950 Broadway, Suite 300, Tacoma, WA 98402

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

  
Cheryl Cook, Legal Assistant  
Oseran, Mahn, Spring, Straight & Watts, P.S.



10-2-13111-1 38272802 ORGSJ 04-02-12

Honorable Garold-E. Johnson  
Noted for March 30, 2012 @ 1:30 p.m.  
DEPT 16

MAR 30 2012

DEPT 16  
*[Signature]*

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

TANYA and TOMMY RIDER, wife and husband  
and the marital community composed thereof,

No. 10-2-13111-1

Plaintiffs,

vs.

ORDER GRANTING KING  
COUNTY'S MOTION FOR  
SUMMARY JUDGMENT

KING COUNTY, in its capacity as the KING  
COUNTY SHERIFF'S DEPARTMENT,

(PROPOSED)

Defendant.

This matter having come before this Court on King County's motion for summary judgment, and the Court having reviewed said motion, plaintiff's response thereto, and King County's reply to that response, and the following:

*King County's Supporting Evidence:*

1. Declaration of Jessica Kozma, including the following attached exhibits:  
 Exhibit 1: Plaintiffs' Complaint for Personal Injury and Damages;  
 Exhibit 2: Excerpts from the deposition of Tommy Rider taken on July 14, 2011;

ORDER GRANTING KING COUNTY'S MOTION  
FOR SUMMARY JUDGMENT - 1

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

- 1 Exhibit 3: Excerpts from King County's First Interrogatories and Requests for Production to  
2 Plaintiff Tommy Rider and Responses Thereto;
- 3 2. Declaration of Aaron Siegrist, including the following attached exhibit:  
4 Exhibit 1: 911 transcript from September 22, 2007 Rider call;
- 5 3. Declaration of Thomas Lowe, including the following attached exhibit:  
6 Exhibit 1: 911 transcript from September 23, 2007 Rider calls;
- 7 4. Declaration of Christopher Cross, including the following attached exhibit:  
8 Exhibit 1: Follow-Up Report from Deputy Cross;
- 9 5. Declaration of Janet Rhodes, including the following attached exhibit:  
10 Exhibit 1: Follow-Up Report from Janet Rhodes;
- 11 6. Supplemental Declaration of Janet Rhodes;
- 12 7. Second Declaration of Jessica Kozma, including the following attached exhibits:  
13 Exhibit 1: Excerpts from the deposition of Tommy Rider taken on July 14, 2011;  
14 Exhibit 2: Excerpts from the deposition of Janet Rhodes taken on March 15, 2012;  
15 Exhibit 3: True and correct copy of a "TRANSCRIPT OF EXCERPTS FROM  
16 PROCEEDINGS BEFORE THE HONORABLE ROBERT J. BRYAN SENIOR  
17 UNITED STATES DISTRICT COURT JUDGE" in the matter of Deitch et al. v.  
City of Olympia, et al., Docket No. C06-5394RJB.

18 *Plaintiff's Supporting Evidence:*

- 19 1. Declaration of Paul Spencer;  
20 2. Declaration of Tom Rider; and  
21 3. Declaration of D.P. Van Blaricom.  
22 and being otherwise fully advised, now therefore,  
23

ORDER GRANTING KING COUNTY'S MOTION  
FOR SUMMARY JUDGMENT - 2

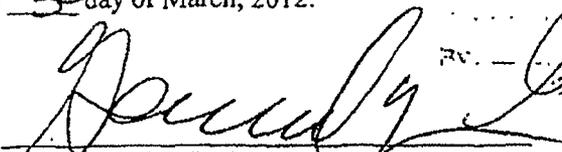
Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that King County's motion for  
2 summary judgment is granted. As against King County and any of its departments, agents, and  
3 employees, this action is dismissed in its entirety with prejudice.

DEPT OF

MAR 30 2012

4  
5 DONE IN OPEN COURT this 30<sup>th</sup> day of March, 2012.

6  
7   
8 HONORABLE GAROLD E. JOHNSON

9 Presented by:  
10  
11 DANIEL T. SATTERBERG  
12 King County Prosecuting Attorney

13 By: s/Jessica H. Kozma  
14 ENDEL R. KOLDE, WSBA #25155  
15 JESSICA H. KOZMA, WSBA #30416  
16 Senior Deputy Prosecuting Attorneys  
17 Attorneys for Defendant King County

18 Copy received; Approved as to form;  
19 Notice of Presentation waived:

20   
21 By: \_\_\_\_\_  
22 Paul A. Spencer, WSBA #19511  
23 Plaintiffs' Attorney

By: \_\_\_\_\_  
Boyd S. Wiley, WSBA #18817  
Plaintiffs' Attorney

ORDER GRANTING KING COUNTY'S MOTION  
FOR SUMMARY JUDGMENT - 3

Daniel T. Satterberg, Prosecuting Attorney  
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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
FOR PIERCE COUNTY

TANYA and TOMMY RIDER, wife and  
husband and the marital community  
composed thereof,

Plaintiffs,

vs.

KING COUNTY, in its capacity as the  
KING COUNTY SHERIFF'S  
DEPARTMENT.

Defendant.

CAUSE NO. 10-2-13111-1

NOTICE OF APPEAL  
TO COURT OF APPEALS  
DIVISION II

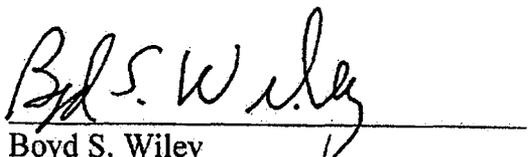
Plaintiffs, Tanya and Tommy Rider seek review by the Washington State Court  
of Appeals, Division II, of the trial Court's Order Granting King County's Motion for  
Summary Judgment dated March 30, 2011 dismissing Plaintiffs' action in its entirety  
with prejudice.

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A copy of the referenced decision is attached to this Notice of Appeal.

Dated this 23<sup>rd</sup> day of April, 2011.

  
Paul A. Spencer, WSBA #19511  
Oseran, Hahn, Spring, Straight & Watts, P.S.  
Attorneys for Plaintiffs/Appellants  
Tanya and Tommy Rider  
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Endel R. Kolde, WSBA #25155  
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Senior Deputy Prosecuting Attorneys,  
Attorneys for Defendant/Respondent King County

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PIERCE COUNTY WASHINGTON  
PIERCE COUNTY CLERK'S OFFICE

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

TANYA RIDER  
TOMMY RIDER

Plaintiff

vs.

KING COUNTY  
KING COUNTY SHERIFFS DEPARTMENT

Defendant

June 5, 2012

No.: 10-2-13111-1  
Court of Appeals No.: 43363-0

CLERK'S PAPERS PER  
REQUEST OF APPELLANT  
TO THE  
COURT OF APPEALS,  
DIVISION II

HONORABLE ELIZABETH MARTIN  
Trial Judge

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ATTORNEY FOR RESPONDENT

**SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY**

TANYA RIDER  
TOMMY RIDER

Plaintiff

June 5, 2012

vs.

KING COUNTY  
KING COUNTY SHERIFFS DEPARTMENT

Defendant

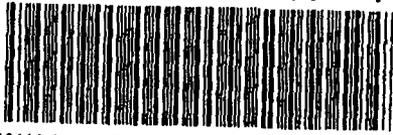
No.: 10-2-13111-1  
Court of Appeals No.: 43363-0

CLERK'S PAPERS PER  
REQUEST OF APPELLANT  
TO THE  
COURT OF APPEALS,  
DIVISION II

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BY \_\_\_\_\_ DEPUTY

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

TANYA and TOMMY RIDER, wife and  
husband and the marital community composed  
thereof,

Plaintiffs,

vs.

KING COUNTY, in its capacity as the KING  
COUNTY SHERIFF'S DEPARTMENT.

Defendant.

NO. 10 2 13111 1

COMPLAINT FOR PERSONAL INJURY  
AND DAMAGES

Comes now the Plaintiffs', by and through their attorneys of record Paul A. Spencer  
and Boyd Wiley and Spencer Law Offices, PLLC and Wiley Law Offices, PLLC and state,  
allege and complain as follows:

**I. PARTIES AND JURISDICTION**

1.1 Plaintiffs' Tanya and Tommy (aka "Tom") Rider are husband and wife and  
comprise a marital community. Plaintiffs' Rider reside in Maple Valley, King County, State  
of Washington.

1.2 Defendant King County is a County organized and existing under the laws of the  
State of Washington. The King County Sheriff's Department is believed to be an agency

COMPLAINT FOR PERSONAL INJURY AND  
DAMAGES PAGE -1-

SPENCER LAW OFFICES, PLLC.  
SUITE #350, 11100 NE 8<sup>th</sup> STREET  
BELLEVUE, WASHINGTON 98004  
206-464-1001; Facsimile 425-283-5885

ORIGINAL

1 organized and existing under the authority of King County. All references to Defendant King  
 2 County herein shall include reference to the personnel of the King County Sheriff's  
 3 Department, and its employees that were involved in the investigation of the accident at issue  
 4 in this lawsuit.  
 5

6 1.3 Jurisdiction and venue are believed to be proper in Pierce County Washington  
 7 pursuant to RCW 36.01.050.

## 8 II. FACTS

9 2.1 During the late morning of Thursday September 20<sup>th</sup> 2007 Plaintiff Tanya Rider  
 10 left her job in Bellevue Washington, made a brief stop and headed home to her house in Maple  
 11 Valley, King County Washington. At the time, she was driving her 2007 Honda Element.  
 12

13 2.2 Mrs. Rider took her usual route home, and was traveling SB on SR 169, between  
 14 Renton and Maple Valley Washington. At approximately mile post 19, Mrs. Rider's vehicle  
 15 left the roadway and crashed in a ravine on the east side of SR 169.(the "Accident Scene")  
 16

17 2.3 Mrs. Rider's vehicle was not visible at the Accident Scene from a vehicle traveling  
 18 on SR 169.

19 2.4 Mrs. Rider was injured in accident above described and was in need of medical  
 20 treatment. Plaintiff Tanya Rider was not located by the Defendant King County Sheriff's  
 21 office investigators and search and rescue personnel until the afternoon of September 27<sup>th</sup>  
 22 2007, seven days after the accident occurred.  
 23  
 24  
 25

1           2.5 Plaintiff Tom Rider subsequently discovered his wife had failed to return home and  
2 was missing. Mr. Rider immediately commenced calling Mrs. Rider's cell phone and relatives  
3 in an attempt to find her.

4           2.6 On Saturday morning September 22<sup>nd</sup>, 2007 Mr. Rider called 911 emergency  
5 services to advise that his wife was missing. Mr. Rider was told that he would need to contact  
6 the King County Sheriff's office with respect to Mrs. Rider's disappearance. Mr. Rider  
7 contacted the King County Sheriff's department and was assured that Defendants'  
8 investigators would find his wife, Plaintiff Tanya Rider.

9           2.7 Shortly thereafter, the King County Sheriff's office commenced an investigation  
10 into the disappearance of Plaintiff Tanya Rider. Plaintiff Tom Rider relied upon the  
11 representations of the Defendant's investigators that they would conduct a due and diligent  
12 search to locate his wife. Mr. Rider's reliance was reasonable and justified under the  
13 circumstances. Mr. Rider provided Defendant's representatives accurate information with  
14 respect to Mrs. Rider and Plaintiffs' various personal information.

15           2.8 Based upon information and belief, between the morning of September 22<sup>nd</sup> 2007  
16 and the morning of September 27<sup>th</sup> 2007 the King County Sheriff's office didn't attempt to  
17 locate Mrs. Rider or her vehicle using usual and customary means. Further, based upon  
18 information and belief, Defendant's investigators were negligent in their attempts to locate  
19 Plaintiff Tanya Rider.

20           2.9 Further, based upon information and belief, between the morning of September  
21 22<sup>nd</sup> 2007 and the morning of September 27<sup>th</sup> 2007 the King County Sheriff's office  
22  
23  
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25

1 mishandled the information that was provided by Plaintiff Tom Rider in the course of the  
2 investigation. Defendant's investigators' actions were negligent and damaged Plaintiffs.

3           2.10 Finally, late in the morning on Thursday September 27<sup>th</sup> 2007, the King County  
4 Sheriff's office contacted Mrs. Rider's cell phone provider and obtained information about the  
5 location of Mrs. Rider's cell phone. Less than two hours later, emergency personnel located  
6 Plaintiff Tanya Rider at the Accident Scene.  
7

8           2.11 Based upon information and belief, the Defendant King County Sheriff's Office  
9 investigators were negligent in the process and procedure of locating Plaintiff Tanya Rider.  
10

11           2.12 As a result of the accident, and as a direct and proximate result of being trapped  
12 in her vehicle for eight full days, Mrs. Rider sustained serious and severe personal injuries and  
13 damages. Plaintiff Tanya Rider's injuries are permanent and progressive.

14           2.13 As a direct and proximate result of Defendant King County's investigator's  
15 conduct above described, Plaintiff Tanya Rider sustained medical special damages, wage loss  
16 and general damages in amounts that will be proven at the time of trial. Further, Plaintiff  
17 Tanya Rider will continue to sustain such medical special damages and wage loss in the future  
18 in amounts as will be proven at the time of trial.  
19

20           2.14 As a direct and proximate result of Defendant King County's conduct above  
21 described, Plaintiff Tom Rider sustained damages in loss of consortium, love and affection in  
22 amounts that will be proven at the time of trial.

23           2.15 In August of 2008, Plaintiffs' Rider filed with the Defendant King County a claim  
24 for damages.  
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Wherefore, Plaintiffs' having stated their case in full, pray to this Court  
for the following relief:

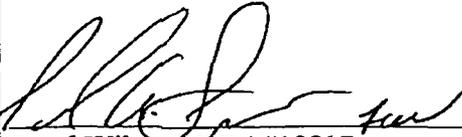
A. For Judgment against Defendant King County in favor of each of them for such  
General Damages in amounts to be proven at the time of trial;

B. For Judgment against the Defendant King County for such Special Damages in  
amounts to be proven at the time of trial;

C. For Plaintiffs' costs and expenses and attorneys' fees incurred in bringing and  
prosecuting this action; and

D. For such other further relief as this court deems just and equitable.

Dated this 15<sup>th</sup> day of September, 2010.

  
Boyd Wiley, WSBA#18817 *per telephone authorization*  
Wiley Law Offices  
Attorneys for Plaintiffs

  
Paul A. Spencer WSBA #19511  
Spencer Law Offices, PLLC  
Attorneys for Plaintiffs

January 06 2011 9:53 AM

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Hon. Frederick W. Fleming

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

TANYA and TOMMY RIDER, wife and husband )  
and the marital community composed thereof, )

Plaintiffs, )

vs. )

KING COUNTY, in its capacity as the KING )  
COUNTY SHERIFF'S DEPARTMENT, )

Defendant. )

No. 10-2-13111-1

ANSWER TO COMPLAINT FOR  
PERSONAL INJURY AND  
DAMAGES

Defendant KING COUNTY and KING COUNTY SHERIFF'S DEPARTMENT

(hereafter "King County"), in answer to plaintiffs' Complaint for Personal Injury and Damages

(hereafter "complaint") admits, denies, and states as follows:

**I. PARTIES AND JURISDICTION**

1.1 Answering paragraph 1.1 of plaintiffs' complaint, King County is without  
sufficient information to form a belief as to the truth or falsity of the allegations contained therein  
and, therefore, denies the same.

ANSWER TO COMPLAINT FOR PERSONAL  
INJURY AND DAMAGES - 1

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Tort Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819



1           2.4     King County admits the allegations contained in the first sentence of paragraph 2.4  
2 of plaintiffs' complaint. Answering the second sentence of paragraph 2.4 of plaintiffs' complaint,  
3 King County admits that Mrs. Rider was located by King County Sheriff's officers/search and  
4 rescue personnel on the afternoon of September 27, 2007. Answering the remaining allegations  
5 contained in the second sentence of paragraph 2.4 of plaintiff's complaint, King County is without  
6 sufficient information to form a belief as to the truth or falsity of the allegations therein and,  
7 therefore, denies the same

8           2.5     Answering the first sentence of paragraph 2.5 of plaintiffs' complaint, King County  
9 admits the allegations contained therein. Answering the second sentence of paragraph 2.5 of  
10 plaintiffs' complaint, King County is without sufficient information to form a belief as to the truth or  
11 falsity of the allegations contained therein and, therefore, denies the same.

12           2.6     Answering the first and second sentences of paragraph 2.6 of plaintiffs' complaint,  
13 King County admits the allegations contained therein. Answering the third sentence of paragraph  
14 2.6 of plaintiffs' complaint, King County admits that Mr. Rider contacted the King County Sheriff's  
15 Office but denies that the remainder of the allegations set forth therein, including specifically the  
16 allegation that Mr. Rider was assured that King County's investigators would find Mrs. Rider.

17           2.7     King County admits the allegations contained in the first sentence of paragraph 2.7  
18 of plaintiffs' complaint. Answering the second sentence of paragraph 2.7 of plaintiffs' complaint,  
19 King County is without sufficient information to form a belief as to the truth or falsity of the  
20 allegations contained therein and, therefore, denies the same. Answering the third sentence of  
21 paragraph 2.7 of plaintiffs' complaint, it appears to contain only legal conclusions for which no  
22 response is required. However, to the extent factual allegations are intended and/or legal  
23 conclusions contrary to applicable law are alleged, they are hereby denied. Answering the fourth

1 sentence of paragraph 2.7 of plaintiffs' complaint, King County denies that all the personal  
2 information provided by Mr. Rider to King County representatives was accurate.

3 2.8 King County denies the allegations contained in paragraph 2.8 of plaintiffs'  
4 complaint.

5 2.9 King County denies the allegations contained in paragraph 2.9 of plaintiffs'  
6 complaint.

7 2.10 Answering paragraph 2.10 of plaintiffs' complaint, King County admits only that at  
8 9:51 a.m. on September 27, 2007, the King County Sheriff's Office sent a request to Verizon in  
9 order to obtain information about the location of Mrs. Rider's cell phone, and that King County  
10 Sheriff personnel located Mrs. Rider at the accident scene at or shortly after 2:00 p.m. on the same  
11 day. All other or different allegations contained in paragraph 2.10 of plaintiffs' complaint are  
12 denied.

13 2.11 King County denies the allegations contained in paragraph 2.11 of plaintiffs'  
14 complaint.

15 2.12 Answering paragraph 2.12 of plaintiffs' complaint, King County admits only that  
16 Mrs. Rider was injured as a result of the accident and being trapped in her vehicle. King County is  
17 without sufficient information to form a belief as to the truth or falsity of the remaining allegations  
18 contained in paragraph 2.12 of plaintiffs' complaint and, therefore, denies the same.

19 2.13 Answering paragraph 2.13 of plaintiffs' complaint, King County denies the  
20 allegations regarding proximate cause contained therein. King County is without sufficient  
21 information to form a belief as to the remaining allegations contained in paragraph 2.13 and  
22 therefore, denies the same.  
23





1 made in the exercise of governmental authority entrusted to them by law and are neither tortious nor  
2 actionable.

3 3. King County personnel at all times acted in good faith in the performance of their  
4 duties and are therefore immune from suit for the matters charged in plaintiffs' complaint.

5 4. The damages and/or injuries sustained, if any, were proximately caused by the  
6 negligent actions and/or omissions of third persons over whom this defendant had no control, and of  
7 which defendant had no notice.

8 5. If the plaintiff sustained any injury or damage, the same was caused or  
9 contributed to by plaintiffs Tom and/or Tanya Rider.

10 6. The injuries and damages, if any, were the result of unavoidable accident that King  
11 County could not control or prevent.

12 7. Plaintiffs' injuries and damages, if any, may have pre-existed this incident.

13 8. Plaintiffs may have failed to mitigate their damages.

14 WHEREFORE, King County prays as follows:

15 That plaintiffs take nothing by their complaint, that the complaint be dismissed with  
16 prejudice and that King County be awarded their costs and reasonable attorneys' fees incurred  
17 herein.

18 DATED this 6th day of January 2011.

19  
20 DANIEL T. SATTERBERG  
King County Prosecuting Attorney

21  
22 By: /s/ JESSICA L. HARDUNG  
Jessica L. Hardung, WSBA #30416

23 By: /s/ DANIEL L. KINERK  
Daniel L. Kinerk, WSBA #13537

ANSWER TO COMPLAINT FOR PERSONAL  
INJURY AND DAMAGES - 7

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Tort Section  
900 King County Administration Building  
500 Fourth Avenue  
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(206) 296-8820 Fax (206) 296-8819

1 Senior Deputy Prosecuting Attorneys  
2 500 Fourth Ave., 9<sup>th</sup> Floor  
3 Seattle, WA. 98104  
4 Telephone: (206) 296-8820  
5 Fax: (206) 296-8819  
6 E-Mail: [jessica.hardung@kingcounty.gov](mailto:jessica.hardung@kingcounty.gov)  
7 E-Mail: [daniel.kinerk@kingcounty.gov](mailto:daniel.kinerk@kingcounty.gov)  
8 Attorneys for King County

9  
10 **CERTIFICATE OF FILING AND SERVICE**

11 I hereby certify that on January 6, 2011, I electronically filed the foregoing document(s)  
12 with the Clerk of the Court using the electronic filing system and sent the same with ABC  
13 Messenger Service to be delivered on January 7, 2011 no later than 4:30 p.m. to the following:  
14

15 **Paul A. Spencer**  
16 **Attorney at Law**  
17 **SPENCER LAW OFFICES**  
18 **11100 N.E. 8<sup>th</sup> Street, Suite 350**  
19 **Bellevue, WA. 98004**

20 **Boyd S. Wiley**  
21 **Attorney at Law**  
22 **12515 Meridian E., Suite 101**  
23 **Puyallup, WA. 98373**

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

DATED this 6<sup>th</sup> day of January, 2011.

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KARON R. THOMPSON  
Legal Secretary  
King County Prosecuting Attorney's Office

March 01 2012 2:09 PM

KEVIN STOCK  
COUNTY CLERK  
NO: 10-2-13111-1

Hon. Garold E. Johnson  
Noted for March 30, 2012 at 1:30 p.m.

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

TANYA and TOMMY RIDER, wife and  
husband and the marital community  
composed thereof,

)  
)  
)

No. 10-2-13111-1

Plaintiffs,

)

DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT

vs.

)

KING COUNTY, in its capacity as the  
KING COUNTY SHERIFF'S  
DEPARTMENT,

)  
)  
)

Defendant.)

**I. RELIEF REQUESTED**

This is a personal injury case filed by Tom and Tanya Rider. They claim that the King County Sheriff's Office should have found Ms. Rider sooner, after she drove off the road and came to rest in a hidden area. King County requests that this Court dismiss the Riders' claims with prejudice because, under the public duty doctrine, the Sheriff's Office did not owe the Riders a legal duty. In addition,

DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT - 1

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

1 Washington does not recognize a common-law tort of negligent investigation  
2 against a police agency.

3  
4 **II. STATEMENT OF FACTS**

5 On Thursday, September 20, 2007, plaintiff Tanya Rider crashed her vehicle  
6 off of State Route 169, where she remained trapped for eight days before being  
7 located by King County deputies. The following events preceded her discovery.

8 **Tanya's Accident**

9 On the morning of September 20, 2007, plaintiff Tanya Rider left her  
10 overnight job in Bellevue, Washington, made a brief stop and began driving home  
11 to Maple Valley in her 2007 Honda Element. *Declaration of Jessica Kozma,*  
12 *Exhibit 1, ¶ 2.1.* Ms. Rider was traveling east on State Route 169 between Renton  
13 and Maple Valley. *Id.* at 2.2. At approximately mile post 19, Tanya's vehicle left  
14 the roadway and landed in a ravine on the east side of SR 169. *Id.* The vehicle  
15 was not visible from the roadway. *Id.* at 2.3.

16  
17 **The First 911 Call**

18 Two days later on Saturday, September 22, Ms. Rider's husband, Tom Rider,  
19 called 911 to report his wife Tanya missing. *Declaration of Aaron Siegrist, ¶ 2.*  
20 According to Mr. Rider, he had received a call that morning from Tanya's boss at  
21 Fred Meyer saying she hadn't been at work for two days. *Kozma Dec., Exhibit 2* at  
22  
23

1 24:2-11. The last time Tom spoke with his wife was by phone the evening of  
2 Wednesday, September 19. *Id.* at 20:15-18.

3 911 Operator Aaron Siegrist asked Mr. Rider a series of questions to  
4 determine whether his wife met the criteria for a missing persons report. *Siegrist*  
5 *Dec.*, ¶ 3. Tom said that Tanya was not suicidal or on any medication, nor did she  
6 have any serious medical problems. *Id.* Additionally, Mr. Rider provided no  
7 information that would indicate Tanya had been the victim of a crime. *Id.* at ¶ 4.  
8 On more than one occasion during the call, Tom insisted that someone had stolen  
9 Tanya's brand new Honda Element and done something to her, but he could not tell  
10 operator Siegrist why he felt that way other than saying, "my wife is not like this."  
11 *Id.* Tom told the operator he had contacted area hospitals but had not contacted  
12 any jails. *Id.* at ¶ 5.

15 Operator Siegrist told Mr. Rider that he would need to contact area jails and  
16 call back before a missing persons report could be taken. *Id.* He also told Tom  
17 that, at that time, his wife did not meet the criteria for a missing persons report  
18 (suicidal, serious medical problem, evidence of criminal activity, etc.). *Id.*  
19 Operator Siegrist advised him to continue checking area hospitals, and to look for  
20 any activity on Tanya's bank accounts. *Id.* See also *Siegrist Dec.*, Exhibit 1.  
21  
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1                   **The Second 911 Call**

2                   The next day, Sunday, September 23, 2007, Mr. Rider again called 911 and  
3 spoke with operator Thomas Lowe. *Declaration of Thomas Lowe*, ¶ 2. At the  
4 same time, Mr. Rider was on the phone with their car dealership to determine  
5 whether Tanya's Honda Element had a vehicle locator inside it. *Id.* at ¶ 3.  
6 Operator Lowe asked Tom to finish that call and then call him back. *Id.* When  
7 Mr. Rider called back, he told Mr. Lowe that the vehicle did not have a locator. *Id.*  
8 at ¶ 4. Operator Lowe then obtained all the necessary information from Tom to  
9 take a missing persons report on Tanya. *Id.* Lowe gave Mr. Rider a case number  
10 and told him that Tanya's information would be entered into a nationwide  
11 computer system so that, if she were found and a check done on her name, she  
12 would be identified as a missing person and he would be contacted. *Id.* Mr. Lowe  
13 later called Tom back to obtain additional vehicle information and to tell him that  
14 an officer would be sent to his home sometime that day. *Id.* at ¶ 5. *See also Lowe*  
15 *Dec.*, Exhibit 1.

16                   **Contact with Deputy Cross**

17                   Deputy Christopher Cross was dispatched to the Rider home that same  
18 evening. *Declaration of Christopher Cross*, ¶ 2. He met with Tom, who invited  
19 him to search the residence because in Tom's words, "the husband is usually  
20 looked at during this kind of thing ... ." *Id.* at ¶ 5. Deputy Cross searched the  
21  
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1 residence and, before he left, gave Mr. Rider a business card with the case number  
2 and the phone number for Major Crimes with instructions to contact them the next  
3 morning. *Id.* at ¶ 6. *See also Cross Dec.*, Exhibit 1.

#### 4 The Investigation into Tanya Rider's Disappearance

5  
6 On Monday, September 24, 2007, Janet Rhodes, who investigates missing  
7 persons for the Sheriff's Office, reviewed the missing person report about Tanya  
8 Rider. *Declaration of Janet Rhodes*, ¶ 3. That morning she called Tom Rider and  
9 asked him a number of questions about his wife, Tanya. *Id.* Ms. Rhodes wanted to  
10 obtain as much information as possible in order to determine whether Tanya was in  
11 fact missing. *Id.* When she asked Mr. Rider about the couple's finances, he told  
12 her that Tanya was the only one who had access to a USAA bank account and a  
13 Nordstrom Visa. *Id.* When Ms. Rhodes contacted USAA and Nordstrom, each  
14 confirmed that Tanya was the only person with access to the accounts. *Id.* Ms.  
15 Rhodes also called Fred Meyer and spoke with Tanya's supervisor, Roxanna  
16 Dressler. *Id.* at ¶ 4. Ms. Dressler said that she had called Tom Rider on Friday  
17 morning, September 21, at 7:00 a.m. to see if Tanya had slept in. *Id.* She also told  
18 Ms. Rhodes that Tom did not know Tanya had missed work. *Id.* Ms. Rhodes also  
19 tried calling Tanya's cell phone but got no response. *Id.* at ¶ 5. Additionally, she  
20 contacted Tanya's cellular provider, Verizon, and their automated message said  
21  
22  
23

1 that information would not be released without a subpoena or court order. *Id.* See  
2 *also Rhodes Dec.*, Exhibit 1, p. 9.

3 Later that day, Ms. Rhodes used the automated system for USAA to access  
4 Tanya's account activity. *Rhodes Dec.*, ¶ 6. She learned that there was a debit  
5 withdrawal of \$7.58 that day, as well as debit and automatic withdrawals from  
6 September 19, and an automatic withdrawal on September 20. *Id.* One of the  
7 September 19 debit charges was for \$685.23. *Id.* On Tuesday, she again checked  
8 the account activity and discovered that a \$1,000 transfer had been made from  
9 Tanya's savings account to her checking. *Id.* At that point, Ms. Rhodes believed  
10 that Tanya was not missing at all. *Id.*

11  
12  
13 The next morning, Wednesday, September 26, 2007, Mr. Rider finally told  
14 Ms. Rhodes that he did, in fact, have access to the USAA account. *Rhodes Dec.*, ¶  
15 7. He said he had misunderstood her earlier question about account access because  
16 he was so exhausted. *Id.* Ms. Rhodes told Tom that USAA was not responding to  
17 her requests for account information, and he said he would call them. *Id.* Later  
18 that day, Mr. Rider faxed an account statement to Ms. Rhodes, and they discussed  
19 the charges from the past seven days. *Id.* Tom explained that all of the banking  
20 activity was his. *Id.*

21  
22 In light of this significant new information from Tom Rider, the sheriff's  
23 office requested Tanya's cell phone records from Verizon under exigent

1 circumstances with a warrant to follow. *Rhodes Dec.*, ¶ 8. King County  
2 investigators were concerned that Tanya had been the victim of a crime. *Id.* On  
3 Thursday, September 27, 2007, the sheriff's office obtained Tanya's cell phone  
4 records, including the cell tower location of her last cell phone activity. *Id.* Using  
5 this information, King County deputies located Tanya that afternoon in her vehicle,  
6 which was about 30 feet down and 15 feet away from State Route 169, near Jones  
7 Road and over a steep embankment. *Id.* She was extricated and transported from  
8 the scene. *Id.*

9  
10 **The Deposition Testimony of Tom Rider and Plaintiffs' Claims**

11 Prior to his wife's being found, no one from King County made any  
12 guarantee to Tom Rider that Tanya would be found or that the King County  
13 Sheriff's Office would take any specific investigative measures to find her. *See*  
14 *Siegrist Dec.*, ¶ 6; *Lowe Dec.*, ¶ 6; *Cross Dec.*, ¶ 7; *Rhodes Dec.*, ¶ 9. Mr. Rider  
15 acknowledged in his deposition that no express assurances were made by anyone  
16 from King County. *Kozma Dec.*, Exhibit 2 at 112:21-25, 113:11-12 ("No one  
17 guaranteed me that they would find Tanya ... No they did not give me expressed  
18 guarantees. They did give me the impression they were looking.") Tom also  
19 testified that that Janet Rhodes told him that "[i]f something had gone wrong, that  
20 they would locate Tanya and find out what happened." *Id.* at 112:7-10. Ms.  
21  
22  
23

1 Rhodes denies making that statement, nor is it her practice to do so in a missing  
2 persons case where criminal activity has not been ruled out. *Rhodes Dec.*, ¶ 9.

3 Mr. Rider made a number of assumptions about what would be done to  
4 locate Tanya, stating "I was thinking that as soon as they, you know, actually  
5 started looking, they *might* trace her cell phone, find out, you know, if it was static  
6 in one place or if it was moving. But this is, you know, *just things that I was*  
7 *thinking ...*." *Kozma Dec.*, Exhibit 2 at 55:16-21 (emphasis added). When asked  
8 whether King County employees told him they were taking any specific actions to  
9 locate Tanya (tracing her cell phone, driving her possible routes, etc.), he  
10 acknowledged they did not. *Id.* at 55:13-56:16. He also testified that he never  
11 asked what actions would be taken. *Id.* at 64:10-15. Finally, Tom did not identify  
12 any actions he would have taken to search for Tanya other than what he did. He  
13 said, "I guess, looking back, I could have hired a private investigator. ... But as far  
14 as what I could have done differently, I don't know." *Id.* at 122:4-10.

17 Tanya and Tom Rider have now sued King County for negligence, alleging  
18 that King County assumed a duty to locate Tanya when she was reported missing  
19 by her husband. The Riders also allege that King County assumed a duty to use  
20 reasonable care in the taking and dissemination of information.  
21

1 **III. STATEMENT OF ISSUES**

2 1. Under the public duty doctrine, a government duty to the public in  
3 general does not create a legal duty toward any particular individual except in  
4 narrow circumstances. Should this court dismiss Plaintiffs' claims under the public  
5 duty doctrine where King County's employees made no express assurances and Mr.  
6 Rider did not rely on such assurances to his detriment?  
7

8 2. Washington does not recognize a common-law tort of negligent  
9 investigation against police agencies. Should this court dismiss Plaintiffs' claims  
10 when they amount to no more than a claim that King County conducted a negligent  
11 missing person investigation?  
12

13 **IV. EVIDENCE RELIED UPON**

14 The evidence upon which this motion is based includes the pleadings on file  
15 with the Court and each of the following documents accompanying this motion:

16 1. Declaration of Jessica Kozma, including the following attached exhibits:

17 Exhibit 1: Plaintiffs' Complaint for Personal Injury and Damages;

18 Exhibit 2: Excerpts from the deposition of Tommy Rider taken on July  
19 14, 2011;

20  
21 Exhibit 3: Excerpts from King County's First Interrogatories and  
22 Requests for Production to Plaintiff Tommy Rider and  
23 Responses Thereto;

1 2. Declaration of Aaron Siegrist, including the following attached exhibit:

2 Exhibit 1: 911 transcript from September 22, 2007 Rider call;

3 3. Declaration of Thomas Lowe, including the following attached exhibit:

4 Exhibit 1: 911 transcript from September 23, 2007 Rider calls;

5 4. Declaration of Christopher Cross, including the following attached  
6 exhibit:

7 Exhibit 1: Follow-Up Report from Deputy Cross;

8 5. Declaration of Janet Rhodes, including the following attached exhibit:

9 Exhibit 1: Follow-Up Report from Janet Rhodes.  
10

## 11 V. ARGUMENT AND AUTHORITY

### 12 A. Summary Judgment Standard

13 Summary judgment is appropriate if the pleadings, admissions, answers to  
14 interrogatories and affidavits, if any, "show that there is no genuine issue as to any  
15 material fact and that the moving party is entitled to a judgment as a matter of  
16 law." CR 56(c); *see also Clements v. Travelers Indem. Co.*, 121 Wn.2d 243, 249  
17 (1993). In response to a motion for summary judgment, the nonmoving party may  
18 not rely solely on his pleadings, but must set forth specific facts showing that there  
19 is a genuine issue for trial. CR 56(e). The facts submitted and all reasonable  
20 inference from them must be considered in the light most favorable to the  
21 nonmoving party. *Clements*, 121 Wn.2d at 249. The motion should be granted if,  
22  
23

1 from all the evidence, reasonable persons could reach but one conclusion. *Scott v.*  
2 *Blanchet High School*, 50 Wn. App. 37, 41 (1987), *review denied*, 110 Wn.2d 1016  
3 (1988). A summary judgment motion should not be denied on the basis of an  
4 unreasonable inference. *Scott*, 50 Wn. App. at 47. There are no genuine issues of  
5 material fact in the case at bar and, as discussed below, King County is entitled to  
6 judgment as a matter of law.

8 **B. King County did not owe a legal duty to either Tom or Tanya**  
9 **Rider.**

10 As a threshold matter, to maintain a negligence claim, a plaintiff must prove  
11 that the defendant owed her a legal duty. *Johnson v. State*, 164 Wn. App. 740, 747  
12 (2011). Whether a duty exists is a question of law for this Court to decide. *Osborn*  
13 *v. Mason County*, 157 Wn.2d 18, 22 (2006). Here the Riders' claim fails because  
14 they cannot establish that King County owed them a legal duty to find Tanya Rider  
15 or to use any particular method to do so.

17 Under the public duty doctrine, a plaintiff must show more than a broad duty  
18 owed to the public in general. In essence, a duty to all is a duty to no one. *Taylor*  
19 *v. Stevens County*, 111 Wn.2d 159, 163 (1988). It is well-settled that police  
20 functions, including investigations and responses to 911 calls, are ordinarily not  
21 subject to suit. *Cummins v. Lewis County*, 156 Wn.2d 844, 860-61 (2006) (no duty  
22 to 911 caller requesting medical aid); *Osborn*, 157 Wn.2d at 24-27 (2006) (county  
23

1 had no duty to warn of presence of sex offender who raped and murdered plaintiffs'  
2 daughter); *Johnson*, 164 Wn. App. at 748 (no liability for allegedly negligently  
3 failing to find a missing and endangered person). This long-standing rule was  
4 recently reaffirmed by Division Two, in a missing person case, in the *Johnson*  
5 decision. As a result, *Johnson* precludes the Riders' claims here.  
6

7 While King County might have an aspirational "'duty' to protect its citizens  
8 in the colloquial sense, it does not have a *legal* duty to prevent every foreseeable  
9 injury." *Osborn*, 157 Wn.2d at 28 (emphasis in original). To allow otherwise  
10 would be to subject local governments to broad and expansive liability.  
11

12 There are four exceptions to the public duty doctrine: (1) legislative intent;  
13 (2) failure to enforce; (3) the rescue doctrine, and (4) a special relationship.  
14 *Cummins*, 156 Wn.2d at 855. None of these apply here, but we examine each in  
15 turn. Based on their discovery responses, the Riders' appear to be claiming that the  
16 special relationship exception applies, so King County will examine this exception  
17 first.  
18

19 **C. King County did not have a special relationship with the Riders  
20 because it made no express assurances on which the Riders relied  
to their detriment.**

21 King County asked Tom Rider in an interrogatory to identify the basis of his  
22 claims, and he responded that "Defendants' agents expressly and impliedly assured  
23 me that they would take all steps necessary to locate my wife." *Kozma Dec.*, Ex. 3,

1 p.18. In essence, the Riders claim that King County employees undertook a legal  
2 duty by making assurances that went beyond merely taking a missing persons  
3 report. But the Riders' claim fails because (1) there were no express assurances;  
4 and (2) Tom Rider did not rely on such assurances to his detriment.<sup>1</sup>  
5

6 When analyzing the question of government duty based upon a special  
7 relationship, Washington courts "look to the *manner* and *extent* of contact between  
8 the government official and the member of the public and also look to how *explicit*  
9 were the *assurances* of aid allegedly created thereby." *Cummins*, 156 Wn.2d at  
10 860 (emphasis in original). A special relationship creating a legal duty can only  
11 occur where: (1) there is contact or privity between the government official and  
12 the plaintiff that sets her apart from the general public; (2) there are express  
13 assurances given by a public official; which (3) give rise to justifiable reliance on  
14 the part of the plaintiff. *Id.* at 854; *see also Johnson*, 164 Wn. App. at 754.  
15

16 **1. The Privity Requirement**

17 Defendants will assume there was privity for purposes of this motion, even  
18 though Ms. Rider never had direct contact with King County prior to being found.  
19 *See Cummins*, 156 Wn. App. at 462 (direct contact not always required; plaintiff-  
20 widow sought privity based on deceased husband's call for medical aid). There is,  
21  
22

23 <sup>1</sup> It is undisputed that Tanya Rider had no communication with King County prior to being located; thus the only statements at issue are those made by King County to Tom Rider.

1 however, no viable dispute about the required elements of express assurances or  
2 detrimental reliance.

3 **2. There were no express assurances of specific government conduct**  
4 **sought or given.**

5 The Riders must show both that Tom Rider sought express assurances from  
6 King County and that such assurances were given. *See Cummins*, 156 Wn.2d at  
7 855. Moreover, to create a legal duty, the assurances sought and given must  
8 unequivocally indicate that the government would act in a specific manner.  
9 *Babcock v. Mason County*, 144 Wn.2d 774, 789 (2001); *see also Johnson*, 164 Wn.  
10 App. at 753 (quoting *Babcock*: "But the plaintiff must '*specifically s[eek]*' and the  
11 government must '*expressly g[i]ve*' assurances indicating the government would  
12 act in a specific manner.") (emphasis in original).

13  
14 Contrary to what the Riders claim, a government's duty "cannot arise from  
15 implied assurances." *Babcock*, 144 Wn.2d at 789. Thus, in *Babcock*, a firefighter's  
16 alleged statement that they "would take care of protecting [plaintiffs'] property"  
17 was not sufficiently specific to create a legal duty. *Id.* at 789-791. The Supreme  
18 Court reasoned that the alleged statement did not indicate that she, or any of the  
19 other firefighters, would act in a specific manner to save the plaintiffs' property,  
20 which was being engulfed in flames. *Id.* at 791. Accordingly, the Supreme Court  
21  
22  
23

1 affirmed Division Two, which had upheld dismissal of the plaintiffs' claims. 144  
2 Wn.2d at 679-95.

3 Much like the *Babcock* case, the Riders claim that Janet Rhodes gave Tom  
4 Rider vague assurances that: "[I]f something had gone wrong, that they would  
5 locate Tanya and find out what happened." *Kozma Dec.*, Ex. 2 at 112:7-10. King  
6 County disputes that Ms. Rhodes made such a statement, but assuming for  
7 purposes of this motion that she did, such a vague statement did not amount to a  
8 legally-binding promise that King County would take any specific steps to search  
9 for Tanya Rider.<sup>2</sup>

10  
11 Mr. Rider was also emphatic in his deposition that King County did not give  
12 him express guarantees or indicate what specific steps it was taking to locate Tanya  
13 Rider: "No one guaranteed me that they would find Tanya ... No they did not give  
14 me expressed guarantees. They did give me the impression they were looking."  
15 *Kozma Dec.*, Ex. 2 at 112:21-25, 113:11-12. When asked whether King County  
16 employees told him they were taking specific actions such as getting her cell-  
17 phone records, tracing her phone or searching along her driving route, Mr. Rider  
18 acknowledged that they did not. *Id.* at 55:13-56:16; 63:16-64:1. He also did not  
19 ask Janet Rhodes how they would search for Ms. Rider. *Id.* at 64:10-15.  
20  
21

22  
23 <sup>2</sup> Moreover, King County did in fact locate Ms. Rider and determine that she had experienced a one-car collision. Thus, even if Ms. Rhodes alleged statement amounted to a promise, the promise was fulfilled.

1 Mr. Rider's subjective assumptions about what King County was doing at  
2 the time or *post-hoc* assertions about what King County should have done, are  
3 simply irrelevant in the absence of a promise that King County was going to act in  
4 a specific manner with regard to locating Ms. Rider. Moreover, it should be noted  
5 that Mr. Rider did not even *seek* express assurances of specific conduct. He simply  
6 made assumptions: "[I] thought they took the ball. I thought they were going to  
7 do whatever it is they do... ." *Id.* at 56:12-15.

9 Thus, as in *Babcock*, even if a King County employee made general  
10 statements meant to reassure Mr. Rider and gain his cooperation in an ongoing  
11 missing person investigation, such general statements do not amount to an  
12 unequivocal, legally-binding promise. *See Babcock*, 144 Wn.2d at 789-91 ("The  
13 plaintiff must seek an assurance and the government must unequivocally give it.")  
14 Furthermore, even if Mr. Rider can show that he sought and received a promise of  
15 specific conduct, he cannot show that he relied on the promise to his detriment.  
16

17 **3. The Riders did not rely to their detriment on an express**  
18 **assurance that they had sought from King County.**

19 A promise without detrimental reliance similarly does not create a legal  
20 duty. Here Mr. Rider did not point to an action he would have taken but for King  
21 County's promise. And he cannot show that any such action by him would have  
22 made any difference.  
23

1 Our courts have consistently held that detrimental reliance is a required  
2 element of the special relationship exception to the public duty doctrine.  
3 *Cummins*, 156 Wn.2d at 463-464 (no showing that heart attack victim stayed at  
4 location in reliance upon dispatcher's unproven assurance of assistance); *Babcock*,  
5 144 Wn.2d at 794 (no reasonably safe alternatives for plaintiffs to salvage property  
6 in burning building). In *Harvey v. County of Snohomish*, the Supreme Court held  
7 that there had been no detrimental reliance where the plaintiff had to shoot an  
8 intruder after calling 911, because the plaintiff had never asked the operator  
9 whether he should remain in the condo and wait for the police to arrive, nor was he  
10 instructed by the operator to do so. *Harvey*, 157 Wn.2d 33, 40 (2006); compare  
11 *Chambers-Castanes v. King County*, 100 Wn.2d 275, 279-80 (1983) (police  
12 received numerous calls about an assault, did not respond for one-and-a-half hours,  
13 and 911 operator incorrectly told caller that police had been dispatched); *Beal v.*  
14 *City of Seattle*, 134 Wn.2d 769, 774, 785 (1998) (caller was told by 911 operator to  
15 stay in her car and wait for police; police were never dispatched and caller was  
16 shot and killed). In *Harvey*, the Supreme Court noted that, unlike other cases  
17 where they had found detrimental reliance, the operator there had accurately  
18 relayed that she had notified the police and that they were in the area and setting  
19 up. 157 Wn.2d at 39. There are similarly no false statements at issue in this case.  
20  
21  
22  
23

DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT - 17

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1 As in *Harvey*, Mr. Rider 's claim appears to be that the police should have  
2 responded faster or differently, but he cannot show detrimental reliance on express  
3 promises that were not given:  
4

5 Q. So you testified -- earlier in your deposition we talked  
6 about the steps that you took to search for Tanya, driving  
7 the routes, posting flyers, making, you know, a couple of  
8 phone calls, driving by a family member's house.  
9 Is there anything, in your mind, anything else you  
10 didn't do that you could have done in searching for Tanya?

11 A. I guess, looking back, I could have hired a private investigator.  
12 But I sort of trusted that the right people  
13 were looking for her. So I only did the other things to  
14 keep me from going insane waiting. *But as far as what I*  
15 *could have done differently, I don't know.*

16 Q. Did King County ever prevent you from doing anything to  
17 locate your wife?

18 A. No. Detective Rhodes said the more help, the better.

19 *Kozma Dec., Ex. 2 at 121:25-122:13 (emphasis added).*

20 "I don't know" is not an answer that indicates detrimental reliance. Mr.  
21 Rider says "I don't know" because there was no action that he decided to forego as  
22 a result of King County's promise. Nor has he articulated how an independent  
23 action on his part would have led to finding Tanya Rider any sooner.<sup>1</sup> Mr. Rider  
may believe that King County should have investigated her status differently, but  
that does not give rise to a legal cause of action. As a result, this Court should find  
that the special relationship exception does not apply.

1           **D. None of the other exceptions to the public duty doctrine apply.**

2           As with the special relationship exception, the other three exceptions to the  
3 public duty doctrine do not apply here either. We briefly examine each in turn.  
4

5           **1. The legislative intent exception does not apply because the**  
6           **Riders cannot identify a statute that protects a circumscribed**  
7           **class of persons.**

8           The public duty doctrine does not apply where plaintiffs can show that there  
9 is a regulatory statute that evidences a clear legislative intent to protect a particular  
10 and circumscribed class of persons. *Johnson*, 164 Wn. App. at 748-49. In  
11 *Johnson*, the Plaintiff was the personal representative of the estate of a deceased  
12 Oregonian who had been reported as missing and endangered, with a history of  
13 seizures. *Id.* at 745-46. This information was entered into a national missing-  
14 persons database by the Beaverton police, and a third party named Trimble  
15 reported to Grays Harbor 911 that he was following an erratic driver near Elma.  
16 *Id.* Trimble was told by the operator that he was going to notify troopers, but was  
17 not informed that the car he was following was associated with a missing and  
18 endangered person. *Id.* Trimble claimed he would have kept following the vehicle  
19 if he had been so informed. *Id.* at 745, n.4. Troopers were dispatched, but the  
20 individual was eventually found dead in a national park, one-and-a-half weeks  
21 later. *Id.* at 745.  
22  
23

1           The personal representative conceded that the public duty doctrine  
2 precluded imposition of liability for allegedly negligently failing to find a missing  
3 and endangered person, but also argued that the Legislature intended RCW  
4 70.96A.120(2) to protect persons such as the deceased. *Johnson*, 164 Wn. App. at  
5 748-49. Division Two rejected this argument, finding that the statute was narrowly  
6 drawn to reach only certain persons incapacitated by alcohol and in need of  
7 treatment, not an endangered person with a history of seizures. *Id.* at 749-50.

9           In the case at bar, the Riders have not identified any statute that specifically  
10 protected Ms. Rider and King County is unaware of any such statute. *See Kozma*  
11 *Dec.*, Ex. 3, p. 18. Therefore, the legislative intent exception does not apply.

12  
13           **2. The failure to enforce exception does not apply because the Riders**  
14 **have not identified a statute that King County was required to enforce.**

15           The failure-to-enforce exception applies where government agents  
16 responsible for enforcing statutory requirements possess actual knowledge of a  
17 statutory violation, fail to take action despite a statutory duty to do so, and the  
18 plaintiff is within the class the statute intended to protect. *Johnson*, 164 Wn. App.  
19 at 750. The statute must create a mandatory duty to take specific corrective action,  
20 and this exception does not apply where the government official has broad  
21 discretion. *Fishburn v. Pierce County Planning & Land Serv. Dept.*, 161 Wn.  
22  
23

1 App. 452, 469-70 (2011) (statutes at issue did not create a mandatory duty to  
2 correct a septic system violation).

3 In the case at bar, the Riders have not identified a statute that created a  
4 mandatory duty for specific corrective action, nor is King County aware of such a  
5 statute that would apply here. *See Kozma Dec.*, Ex. 3, p. 18. Therefore, the  
6 failure-to-enforce exception does not apply.  
7

8 **3. The rescue exception does not apply because King County did not**  
9 **gratuitously assume a duty to find Tanya Rider.**

10 For the rescue exception to apply, the Riders must show that King County  
11 (1) gratuitously offered to aid or warn Tanya Rider, (2) failed to exercise  
12 reasonable care, and (3) the offer of aid or warning was relied on by the Riders to  
13 their detriment. *Johnson*, 164 Wn. App. at 750-51; *Babcock v. Mason County Fire*  
14 *District No. 6*, 101 Wn. App. 677, 685-86 (2000), *affirmed*, 144 Wn.2d 774 (2001).  
15 Division Two has repeatedly emphasized that the offer of aid must be *gratuitous*.  
16

17 Thus, in *Babcock*, the rescue exception did not apply because the fire district  
18 had a duty to protect the property of all citizens, including, but not limited to the  
19 plaintiffs. 101 Wn. App. at 686. The Court noted that the fire district was  
20 established for this very purpose. *Id.* Similarly, in *Johnson*, Division Two recently  
21 held that the general police powers statutes created a duty to all citizens, so that the  
22  
23

1 State Patrol's indication to caller Trimble that it would "notify troopers" did not  
2 amount to a gratuitous offer of aid. 164 Wn. App. at 751-52.

3 Here, the Riders cannot show that King County made a gratuitous offer of  
4 aid that set them apart from the public in general. King County's missing person  
5 investigation is no different than the Mason County Fire District's response to fight  
6 a house fire or the Washington State Patrol dispatching troopers in response to a  
7 report of an erratic driver -- it is based on the King County Sheriff's Office police  
8 powers and does not amount to a *gratuitous* offer of aid. To find otherwise would  
9 be to potentially subject every police response to the rescue exception. *See*  
10 *Babcock*, 101 Wn. App. at 686 (agreeing with trial court that to apply rescue  
11 exception there would be to take all firefighting responses to a location outside of  
12 the public duty doctrine).

13 Finally, even if the Riders could overcome this hurdle, they have not shown  
14 detrimental reliance. Consequently, the rescue exception does not apply.

15 **E. Washington does not recognize a common-law tort for negligent**  
16 **investigation.**

17 There is no tort of negligent investigation except in narrowly defined  
18 circumstances. *Ducote v. Dept. of Social & Health Serv.*, 167 Wn.2d 697, 702-3  
19 (2009). Our courts have repeatedly held that police officers are not subject to  
20 claims of negligent investigation. *Fondren v. Klickitat County*, 79 Wn. App. 850,  
21  
22  
23

1 862, (1995); *Donaldson v. City of Seattle*, 65 Wn. App. 661, 671 (1992); *Dever v.*  
2 *Fowler*, 63 Wn. App. 35, 44-45 (1991); *see also Laymon v. Washington State Dept.*  
3 *of Natural Res.*, 99 Wn. App. 518, 530-32 (2000) ("A claim of negligent  
4 investigation will not lie against police officers.").<sup>3</sup> Plaintiffs' claims against King  
5 County are no more than improper allegations of negligent investigation into the  
6 disappearance of Tanya Rider. *See generally Kozma Dec.*, Ex. 1. Their claims are  
7 legally insufficient and should be dismissed.  
8

## 9 VI. CONCLUSION

10 King County respectfully requests that this Court dismiss plaintiffs' case in  
11 its entirety with prejudice because, pursuant to the public duty doctrine, King  
12 County owed no legal duty to the Riders. Additionally, Washington does not  
13 recognize a tort for negligent investigation of a missing person.  
14

15 //

16 //

17 //

18 //

19 //

20 <sup>3</sup> Washington courts have recognized a claim of negligent investigation against DSHS caseworkers in the  
21 context of a child-abuse investigation because of unique statutory requirements. *See Ducote*, 167 Wn.2d  
22 at 703-4; *Lesley v. Department of Social & Health Serv.*, 83 Wn. App. 263, 273 (1996); *Dunning v.*  
23 *Pacerelli*, 63 Wn. App. 232, 238-40 (1991). For a statute to create an investigative duty it must refer to a  
specific investigatory function on behalf of a certain class of people. *Laymon*, 99 Wn. App. at 530-32  
(state law and regulations did not impose duty to verify alleged eagle nest sightings on behalf of  
potentially affected landowners). In this regard the analysis dovetails with the legislative-intent exception  
discussed above.

DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT - 23

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1 DATED this 1st day of March, 2012 at Seattle, Washington.

2 DANIEL T. SATTERBERG  
3 King County Prosecuting Attorney

4 s/ Endel R. Kolde  
5 ENDEL R. KOLDE, WSBA #25155  
6 JESSICA H. KOZMA, WSBA #30416  
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9 **DECLARATION OF FILING AND SERVICE**

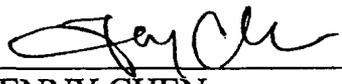
10 I hereby certify that on March 1, 2012, I electronically filed the foregoing  
11 document(s) with the Clerk of the Court using the electronic filing system, and  
12 served the same via PCSC e-service to the following:  
13

14 *Paul A. Spencer, WSBA #19511*  
15 *Oseran, Hahn, Spring, Straight & Watts, P.S.*  
16 *10900 NE 4th Street, Suite #1430*  
17 *Bellevue, WA 98004*

18 *Boyd S. Wiley, WSBA #18817*  
19 *Attorney at Law*  
20 *12515 Meridian E., Suite 101*  
21 *Puyallup, WA 98373-3436*

22 I declare under penalty of perjury that the foregoing is true and correct.

23 DATED and SIGNED on this 1<sup>st</sup> day of March, 2012 at Seattle, Washington.

22   
23 JENNY CHEN  
Legal Secretary, Litigation Section

DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT - 24

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

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Hon. Garold E. Johnson  
Noted for March 30, 2012

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

TANYA and TOMMY RIDER, wife and husband )  
and the marital community composed thereof, )

Plaintiffs, )

vs. )

KING COUNTY, in its capacity as the KING )  
COUNTY SHERIFF'S DEPARTMENT, )

Defendant. )

No. 10-2-13111-1

DECLARATION OF JESSICA  
KOZMA

I, Jessica Kozma, declare under penalty of perjury of the laws of the State of Washington  
that the following is true and correct:

1. I am a Senior Deputy Prosecuting Attorney for King County and one of the  
attorneys of record for defendant King County herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiffs' Complaint for  
Personal Injury and Damages.

DECLARATION OF JESSICA KOZMA - 1

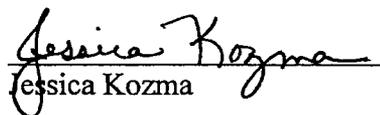
Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

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3. Attached hereto as Exhibit 2 are true and correct copies of excerpts from plaintiff Tommy Rider's deposition taken on July 14, 2011.

4. Attached hereto as Exhibit 3 are true and correct copies of excerpts of King County First Set of Interrogatories and Requests for Production to Plaintiff Tommy Rider and responses thereto.

SIGNED and DATED at Seattle, Washington, this 1st day of March, 2012.

  
Jessica Kozma

DECLARATION OF JESSICA KOZMA - 2

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

**EXHIBIT 1**

**EXHIBIT 1**

RECEIVED  
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PROSECUTING ATTORNEY  
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PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY \_\_\_\_\_ DEPUTY

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

TANYA and TOMMY RIDER, wife and  
husband and the marital community composed  
thereof,

Plaintiffs,

vs.

KING COUNTY, in its capacity as the KING  
COUNTY SHERIFF'S DEPARTMENT.

Defendant.

NO. 10 2 13111 1

COMPLAINT FOR PERSONAL INJURY  
AND DAMAGES

Comes now the Plaintiffs', by and through their attorneys of record Paul A. Spencer  
and Boyd Wiley and Spencer Law Offices, PLLC and Wiley Law Offices, PLLC and state,  
allege and complain as follows:

**I. PARTIES AND JURISDICTION**

1.1 Plaintiffs' Tanya and Tommy (aka "Tom") Rider are husband and wife and  
comprise a marital community. Plaintiffs' Rider reside in Maple Valley, King County, State  
of Washington.

1.2 Defendant King County is a County organized and existing under the laws of the  
State of Washington. The King County Sheriff's Department is believed to be an agency

COMPLAINT FOR PERSONAL INJURY AND  
DAMAGES PAGE -1-

SPENCER LAW OFFICES, PLLC.  
SUITE #350, 11100 NE 8<sup>th</sup> STREET  
BELLEVUE, WASHINGTON 98004  
206-464-1001; Facsimile 425-283-5885

COPY

1 organized and existing under the authority of King County. All references to Defendant King  
2 County herein shall include reference to the personnel of the King County Sheriff's  
3 Department, and its employees that were involved in the investigation of the accident at issue  
4 in this lawsuit.  
5

6 1.3 Jurisdiction and venue are believed to be proper in Pierce County Washington  
7 pursuant to RCW 36.01.050.

## 8 II. FACTS

9 2.1 During the late morning of Thursday September 20<sup>th</sup> 2007 Plaintiff Tanya Rider  
10 left her job in Bellevue Washington, made a brief stop and headed home to her house in Maple  
11 Valley, King County Washington. At the time, she was driving her 2007 Honda Element.  
12

13 2.2 Mrs. Rider took her usual route home, and was traveling SB on SR 169, between  
14 Renton and Maple Valley Washington. At approximately mile post 19, Mrs. Rider's vehicle  
15 left the roadway and crashed in a ravine on the east side of SR 169.(the "Accident Scene")  
16

17 2.3 Mrs. Rider's vehicle was not visible at the Accident Scene from a vehicle traveling  
18 on SR 169.

19 2.4 Mrs. Rider was injured in accident above described and was in need of medical  
20 treatment. Plaintiff Tanya Rider was not located by the Defendant King County Sheriff's  
21 office investigators and search and rescue personnel until the afternoon of September 27<sup>th</sup>  
22 2007, seven days after the accident occurred.  
23  
24  
25

1           2.5 Plaintiff Tom Rider subsequently discovered his wife had failed to return home and  
2 was missing. Mr. Rider immediately commenced calling Mrs. Rider's cell phone and relatives  
3 in an attempt to find her.

4           2.6 On Saturday morning September 22<sup>nd</sup>, 2007 Mr. Rider called 911 emergency  
5 services to advise that his wife was missing. Mr. Rider was told that he would need to contact  
6 the King County Sheriff's office with respect to Mrs. Rider's disappearance. Mr. Rider  
7 contacted the King County Sheriff's department and was assured that Defendants'  
8 investigators would find his wife, Plaintiff Tanya Rider.

9           2.7 Shortly thereafter, the King County Sheriff's office commenced an investigation  
10 into the disappearance of Plaintiff Tanya Rider. Plaintiff Tom Rider relied upon the  
11 representations of the Defendant's investigators that they would conduct a due and diligent  
12 search to locate his wife. Mr. Rider's reliance was reasonable and justified under the  
13 circumstances. Mr. Rider provided Defendant's representatives accurate information with  
14 respect to Mrs. Rider and Plaintiffs' various personal information.

15           2.8 Based upon information and belief, between the morning of September 22<sup>nd</sup> 2007  
16 and the morning of September 27<sup>th</sup> 2007 the King County Sheriff's office didn't attempt to  
17 locate Mrs. Rider or her vehicle using usual and customary means. Further, based upon  
18 information and belief, Defendant's investigators were negligent in their attempts to locate  
19 Plaintiff Tanya Rider.

20           2.9 Further, based upon information and belief, between the morning of September  
21 22<sup>nd</sup> 2007 and the morning of September 27<sup>th</sup> 2007 the King County Sheriff's office  
22  
23  
24  
25

1 mishandled the information that was provided by Plaintiff Tom Rider in the course of the  
2 investigation. Defendant's investigators' actions were negligent and damaged Plaintiffs.

3  
4 2.10 Finally, late in the morning on Thursday September 27<sup>th</sup> 2007, the King County  
5 Sheriff's office contacted Mrs. Rider's cell phone provider and obtained information about the  
6 location of Mrs. Rider's cell phone. Less than two hours later, emergency personnel located  
7 Plaintiff Tanya Rider at the Accident Scene.

8 2.11 Based upon information and belief, the Defendant King County Sheriff's Office  
9 investigators were negligent in the process and procedure of locating Plaintiff Tanya Rider.

10 2.12 As a result of the accident, and as a direct and proximate result of being trapped  
11 in her vehicle for eight full days, Mrs. Rider sustained serious and severe personal injuries and  
12 damages. Plaintiff Tanya Rider's injuries are permanent and progressive.

13 2.13 As a direct and proximate result of Defendant King County's investigator's  
14 conduct above described, Plaintiff Tanya Rider sustained medical special damages, wage loss  
15 and general damages in amounts that will be proven at the time of trial. Further, Plaintiff  
16 Tanya Rider will continue to sustain such medical special damages and wage loss in the future  
17 in amounts as will be proven at the time of trial.

18 2.14 As a direct and proximate result of Defendant King County's conduct above  
19 described, Plaintiff Tom Rider sustained damages in loss of consortium, love and affection in  
20 amounts that will be proven at the time of trial.

21 2.15 In August of 2008, Plaintiffs' Rider filed with the Defendant King County a claim  
22 for damages.  
23  
24  
25



1           Wherefore, Plaintiffs' having stated their case in full, pray to this Court  
2 for the following relief:

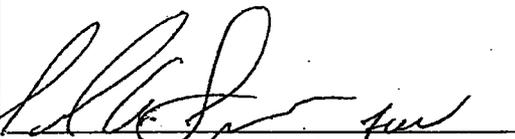
3           A. For Judgment against Defendant King County in favor of each of them for such  
4 General Damages in amounts to be proven at the time of trial;

5           B. For Judgment against the Defendant King County for such Special Damages in  
6 amounts to be proven at the time of trial;

7           C. For Plaintiffs' costs and expenses and attorneys' fees incurred in bringing and  
8 prosecuting this action; and

9           D. For such other further relief as this court deems just and equitable.

10 Dated this 15<sup>th</sup> day of September, 2010.

11  
12  
13  
14   
15 Boyd Wiley, WSBA#18817 *per telephone*  
16 Wiley Law Offices *authorization*  
Attorneys for Plaintiffs

17  
18  
19  
20   
21 Paul A. Spencer WSBA #19511  
22 Spencer Law Offices, PLLC  
23 Attorneys for Plaintiffs

**EXHIBIT 2**

**EXHIBIT 2**

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

---

TANYA and TOMMY RIDER, wife	)	
and husband, and the marital	)	
community composed thereof,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. 10-2-13111-1
	)	
KING COUNTY, in its capacity	)	
as the KING COUNTY SHERIFF'S	)	
DEPARTMENT,	)	
	)	
Defendants.	)	

---

DEPOSITION UPON ORAL EXAMINATION OF TOMMY RIDER

9:00 a.m.  
Thursday, July 14, 2011  
11100 Northeast Eighth Street, Suite 350  
Bellevue, Washington

Laurie B. Porter, CCR  
Northwest Court Reporters  
1415 Second Avenue, Suite 1107  
Seattle, Washington 98101  
(206) 623-6136  
www.northwestcourtreporters.com

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APPEARANCES

On Behalf of the Plaintiffs :

PAUL SPENCER  
Spencer Law Offices  
11100 Northeast Eighth Street Suite 350  
Bellevue, Washington 98004  
BOYD WILEY  
Wiley Law Offices  
12515 Meridian East, Suite 101  
Puyallup, Washington 98373

On Behalf of the Defendants:

JESSICA HARDUNG KOZMA  
DANIEL KINERK  
King County Prosecuting Attorney  
500 Fourth Avenue, Suite 900  
Seattle, Washington 98104

The Videographer: Tania Grant, Royal Video Productions

1 THE VIDEOGRAPHER: Good morning. We are now on  
2 the record. Today's date is July 14th, 2011. The time is  
3 now 9:01 a.m. The location of today's deposition is at  
4 Spencer Law Offices, 11100 Northeast Eighth Street, Suite  
5 350, Bellevue, Washington.

6 My name is Tania Grant, video specialist representing  
7 Royal Video Productions in Issaquah, Washington. The cause  
8 number is 10-2-13111-1, entitled Tanya and Tommy Rider V  
9 King County. Today's deponent is Tom Rider.

10 Will Counsel and all present please identify yourself  
11 and state whom you represent.

12 MS. HARDUNG KOZMA: Jessica Hardung Kozma,  
13 representing the defendant King County.

14 MR. KINERK: Dan Kinerk on behalf of defendant  
15 King County.

16 MR. WILEY: Boyd Wiley, representing  
17 Mr. and Mrs. Rider.

18 MR. SPENCER: Paul Spencer, representing  
19 Mr. and Mrs. Rider.

20 THE VIDEOGRAPHER: The court reporter today is  
21 Laurie Porter with Northwest Court Reporters.

22 You may now swear in the witness.

23 TOMMY RIDER, having been first sworn  
24 under oath by a Washington  
State Certified Court Reporter,  
25 testified as follows:

1 accident. When did you first discover that your wife was  
2 missing?

3 A. That wouldn't be prior to the accident.

4 Q. When did you first discover that your wife was missing?

5 A. Saturday.

6 Q. Do you remember the date?

7 A. Can I see a calendar? I remember it would be the 20th --  
8 somewhere around the 22nd.

9 Q. And how did you come to find out your wife was missing?

10 A. A phone call from Fred Meyer telling me she hadn't shown up  
11 to work.

12 Q. Did you know what Tanya's work schedule was during that time  
13 frame?

14 A. No.

15 Q. When was the last time prior to that that you had spoken to  
16 Tanya?

17 A. I believe it was Wednesday, approximately 10:00 p.m., she  
18 called me before going in for her shift.

19 Q. What was the substance of that conversation?

20 A. Just kind of a pep talk, but -- wait a minute. That was  
21 another call. The substance of that conversation was, she  
22 asked what I was doing, and I said sleeping, and she hung  
23 up.

24 Q. What is the "pep talk" conversation that you're referring  
25 to?

1 Tuesday or Wednesday.

2 Q. So Saturday morning you got the call from Fred Meyer; is  
3 that right?

4 A. Correct.

5 Q. And do you know about what time that was?

6 A. Not off the top of my head. Mid morning.

7 Q. Do you remember the person you spoke with?

8 A. I remember her. Her name was Roxanne.

9 Q. What did she tell you?

10 A. That Tanya hadn't shown up for her shift the last two days,  
11 and she wanted to know if everything was all right.

12 Q. What did you do next?

13 A. I told her that I would try and call Tanya and have her  
14 call, and headed for home.

15 Q. What did you do at home?

16 A. Tried to see if Tanya was home or had been home.

17 Q. You said before that you wouldn't really notice whether she  
18 had been home or not. What did you do to try and see if she  
19 had been home?

20 A. Just tried looking for any sign that she'd been home. But  
21 since there's no furniture and only the clothes we had on  
22 our backs because we moved from an RV, it's very hard to  
23 tell if someone's not there or if they were there.

24 Q. What did you do after that?

25 A. I called 911.

1 her.

2 We talked about the fact that she only had her  
3 Nordstrom Visa with her. And just like in the police  
4 statement from the officer that searched the house, the bank  
5 cards from the other accounts were on the counter. There  
6 were uncashed checks up on the railing.

7 That ... basically I got the impression that they  
8 were -- I don't know their procedures or what the police do.  
9 I got the impression that the investigation had started,  
10 because they were questioning me at length. I had the same  
11 impression when they questioned me and searched the house  
12 and took the report.

13 I felt as if things were moving forward and that they  
14 were going to do whatever it is the police do and they were  
15 going to find her.

16 Q. What were the things you were thinking they might do?

17 A. I was thinking that as soon as they, you know, actually  
18 started looking, they might trace her cell phone, find out,  
19 you know, if it was static in one place or if it was moving.

20 But this is, you know, just things that I was  
21 thinking, that they would actually go out and maybe drive  
22 the route she took. There may be several, but they have the  
23 manpower and the personnel and the training to know better  
24 than me what to look for.

25 So I just -- I really assumed that I was going to be

1 taken care of, that she was going to be found, and that  
2 everything was going to be all right, even though I still  
3 had all these nightmares playing in my head.

4 Q. Did Jan Rhodes ever tell you that they were -- did Jan  
5 Rhodes tell you on Monday in that phone call that they were  
6 going to trace Tanya's cell phone?

7 A. No, she didn't.

8 Q. Did she tell you that deputies were going to go out and  
9 drive potential routes?

10 A. No, she didn't. I just assumed, not knowing procedures or  
11 their -- that these are the things that they would do. And  
12 I don't ...

13 Q. Did you ask Jan what the procedures were?

14 A. No. They -- you know, I thought they took the ball. I  
15 thought they were going to do whatever it is they do, and  
16 that me asking a lot of questions might slow them down.

17 Q. You were at work when you got that call from Jan; is that  
18 right?

19 A. Yes.

20 Q. So she called you on your cell phone?

21 A. Yes.

22 Q. Did you guys have a home phone?

23 A. No.

24 Q. Did you and Tanya ever have any conversations about how you  
25 would reach each other in case of an emergency?

1           There were three detectives listed in there, and all  
2           three of them were investigating aspects of me. No one was  
3           out physically looking for my wife.

4           But that's looking back. Back then I thought, you  
5           know, if they're looking at me, they're looking for her.

6           Q. So as of that Monday you assumed that deputies were out on  
7           the streets searching for Tanya?

8           A. I really don't know what they do, but I assumed that they  
9           were looking for her. I assumed they are trying to find  
10          her.

11          Q. Did you assume that they were out on the street searching  
12          for her?

13          A. One of the scenarios playing out in my head, yeah.

14          Q. Okay. How did you think they were out looking for her?  
15          What do you mean?

16          A. I thought maybe they would drive her route the way I had  
17          done. I thought maybe they would get her cell phone  
18          records. I thought maybe that they would actually get out  
19          of the office and look. Yeah.

20          So I don't think all the deputies would be out  
21          looking, but I thought at least one would.

22          Q. And at any point from the 911 operators that you spoke with  
23          over the weekend, to Deputy Cross, to Jan Rhodes, did any of  
24          those individuals tell you that King County was doing any of  
25          those things?

1 A. No. Like I said, I've lost my innocence in the matter.

2 Q. Anything else you can remember about that first conversation  
3 with Jan Rhodes?

4 A. Other than remembering her stopping me giving my Social  
5 Security number; other than all the questions she asked;  
6 other than the fact that she said, you know, "If something  
7 did go wrong, we're going to locate her."

8 I thought that was pretty much all I needed from that  
9 conversation. But if I'd known ... if I'd known.

10 Q. When she said if something went wrong "we're going to locate  
11 her," did you ask her how?

12 A. I thought the more questions I asked, the slower the  
13 investigation would be.

14 Q. Did you ask her how?

15 A. No.

16 Q. Did she say anything further about the fact that they were  
17 going to locate her if something had happened?

18 A. That was all I really needed to know. It gave me a sense of  
19 relief that I wasn't alone.

20 Q. And at that point when you spoke with Jan Rhodes you didn't  
21 know if something had gone wrong, did you?

22 A. I knew something was not right. I knew that my wife would  
23 never miss a shift. I knew that my wife would never leave  
24 without taking the money. Which is one of the things I  
25 remember telling them. I don't remember when.

1 for her, but no guarantees as if they would find her.

2 Q. And operator 65 never told you that King County would be out  
3 searching for Tanya?

4 A. No.

5 Q. Did any other 911 operator tell you that?

6 A. No.

7 Q. Did Jan Rhodes ever make any guarantee to you that Tanya  
8 would be found?

9 A. She told me that if something had gone wrong, that they  
10 would locate Tanya and find out what happened.

11 Q. Did you testify earlier that she said if something had gone  
12 wrong, they would do their best to locate her?

13 A. No. You said that.

14 Q. Okay. That's not your testimony?

15 A. No. That was your testimony.

16 Q. And so are you directly quoting Jan Rhodes to say that they  
17 would find her?

18 A. To the best of my recollection she told me that if something  
19 has gone wrong, we will be able to locate her. That's  
20 probably a paraphrase. It's a four-year-old conversation.

21 Q. Did the detective -- the deputy who came to your home on  
22 Sunday evening, Deputy Cross, did he guarantee you that King  
23 County would find Tanya?

24 A. No one guaranteed me that they would find Tanya. So no, he  
25 did not.

1 Q. So neither did Detective Tompkins; is that right?

2 A. He said something to the effect of, "We'll find out what  
3 happened." Not that he would guarantee that he found Tanya.

4 Q. When did he tell you that?

5 A. I believe it was as he was leaving with my computer.

6 Q. So would you agree that in between the time you found out  
7 that Tanya was missing and the day that she was found, no  
8 one from King County gave you any express assurances that  
9 Tanya would be found?

10 MR. SPENCER: Object as to form.

11 A. No, they did not give me expressed guarantees. They did  
12 give me the impression they were looking.

13 Q. And was that impression -- you said that operator 65 said  
14 that he would put her into the missing person's database and  
15 dispatch an officer to your home. Is that right?

16 A. That's correct. And as far as the rest of the details, I  
17 don't know the procedures. I don't know what it is they do.  
18 I just know they're the best or supposed to be the best at  
19 it.

20 Q. I want to make sure I understand your testimony about  
21 anything that any King County employee did or said to you  
22 that made you think they would be -- they would find Tanya,  
23 that they were essentially telling you that they --

24 A. Yes.

25 Q. -- would find her.

- 1 Q. You were going to build that shelter out at your Shelton  
2 property; is that what you were planning?
- 3 A. Yeah, I was. But the hospital informed me that I needed to  
4 come back and see them when I only had \$3,000 left.
- 5 Q. Do you still own the Shelton property?
- 6 A. I was forced to sell it at the time and invest it into the  
7 house that we were purchasing to lower the mortgage so that  
8 I could afford it without Tanya being able to work.
- 9 Q. You said before that you got laid off from SoundBuilt. That  
10 was in 2008; is that right?
- 11 A. June, I believe June -- somewhere in June 2008, just before  
12 I was diagnosed with diabetes.
- 13 Q. So you were unemployed for about two years?
- 14 A. About that.
- 15 Q. And Tanya wasn't working during that time either?
- 16 A. Tanya went back to work 15 months after the accident and  
17 worked as long as she possibly could until her leg skin  
18 graft reopened and forced her out of work.
- 19 Q. How long was she back working?
- 20 A. I want to say 18 months.
- 21 Q. So you were both living off of her paycheck?
- 22 A. I was collecting unemployment.
- 23 Q. Were you looking for work during that time?
- 24 A. Yes. Can't really do much on unemployment.
- 25 Q. So you testified -- earlier in your deposition we talked

1 about the steps that you took to search for Tanya, driving  
2 the routes, posting flyers, making, you know, a couple of  
3 phone calls, driving by a family member's house.

4 Is there anything, in your mind, anything else you  
5 didn't do that you could have done in searching for Tanya?

6 A. I guess, looking back, I could have hired a private  
7 investigator. But I sort of trusted that the right people  
8 were looking for her. So I only did the other things to  
9 keep me from going insane waiting. But as far as what I  
10 could have done differently, I don't know.

11 Q. Did King County ever prevent you from doing anything to  
12 locate your wife?

13 A. No. Detective Rhodes said the more help, the better.

14 Q. What, in your opinion, is the soonest that she could have  
15 been found?

16 MR. SPENCER: Object as to form.

17 A. My opinion has very little to do with reality. But had they  
18 listened to me, she could have been found Monday, at the  
19 very latest.

20 Q. What's the soonest she --

21 A. Once they actually got her records --

22 Q. Sorry.

23 A. -- I think they found her within 30 minutes of getting them.

24 Q. Okay. I want to make sure you understood my question. In  
25 your opinion what's the soonest she could have been found?



1 examination was by me duly sworn to testify to the truth,  
2 the whole truth, and nothing but the truth;

3 I further certify that the deposition, as  
4 transcribed, is a full, true, and correct transcript of  
5 the testimony, including questions and answers, and all  
6 objections, motions and exceptions of counsel made and  
7 taken at the time of the foregoing examination, to the  
8 best of my ability.

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IN WITNESS WHEREOF, this 2nd day of August  
2011.

---

Laurie B. Porter, CCR  
License No. 2376  
Certified Court Reporter in  
and for the State of Washington,  
residing in Issaquah

**EXHIBIT 3**

**EXHIBIT 3**



1 20. CARETAKING

2 If you have provided any work, at home or otherwise, that you are alleging would not  
3 have been necessary if it were not for the incident referred to in your Complaint, state the  
4 general nature of the duties you performed as well as the dates and durations of that  
5 work.

6 ANSWER:

7 I have had to continually change her dressings and assist her early on in her total care. I  
8 was also 100 % responsible for assisting her with her dailey needs for well over a year  
9 subsequent to the accident.

10 REQUEST FOR PRODUCTION Q:

11 Please produce for inspection and copying all documents and tangible items that relate to  
12 your response to the above interrogatory.

13 RESPONSE:

14 None that I am aware of.

15 21. CLAIMS

16 State specifically each act or omission of the defendant serving these interrogatories  
17 which you claim violated a duty owed to you and each duty owed to you which you  
18 claim such defendants violated.

19 ANSWER:

20 See Plaintiffs' Complaint. Additionally, Defendants' Agents expressly and impliedly  
21 assured me that they would take all steps necessary to locate my wife. They requested  
22 critical information from me -- then ignored it or changed it to suit their needs.  
23 Defendants' agents and representatives ignored information provided by me, investigated  
me instead of trying to locate my wife.. The result was instead of locating my wife  
quickly, Tanya spent 7+ days awaiting rescue suffering severe injuries in the process and  
unbelievable distress. Discovery is continuing the answer to this interrogatory may be  
supplemented.

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**VERIFICATION**

I, Tommy Rider, declare under penalty of perjury under the laws of the State of Washington that I am over the age of eighteen years and a named Plaintiff in the above captioned matter. I have reviewed the forgoing Responses to Defendant King County's Interrogatories and Requests for Production of Documents directed to me as a Plaintiff, and I certify that the responses are true and correct to the best of my knowledge.

Dated at May this 31 day of May 2011.

  
\_\_\_\_\_  
Tommy Rider

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Hon. Garold E. Johnson  
Noted for March 30, 2012

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

TANYA and TOMMY RIDER, wife and husband )  
and the marital community composed thereof, )

No. 10-2-13111-1

Plaintiffs, )

DECLARATION OF AARON  
SIEGRIST

vs. )

KING COUNTY, in its capacity as the KING )  
COUNTY SHERIFF'S DEPARTMENT, )

Defendant. )

I, Aaron Siegrist, declare that:

1. I am over eighteen years of age. I have personal knowledge of the facts contained  
in this declaration and am otherwise competent to testify to the matters in this declaration.

2. On Saturday, September 22, 2007, I was working as a 911 operator for King  
County. That day I answered a non-emergency call from Tom Rider, who called to report his  
wife missing.

1           3.       I asked Mr. Rider a series of questions to determine whether his wife met the  
2 criteria for a missing persons report. In response, Mr. Rider told me that his wife was not  
3 suicidal or on any medication. He also said she had no serious medical problems.

4           4.       Additionally, Mr. Rider provided no information that would indicate Tanya had  
5 been the victim of a crime. On more than one occasion during the call, Mr. Rider insisted that  
6 someone had stolen Tanya's brand new Honda Element and done something to her, but he could  
7 not tell me why he felt that way other than saying " ... my wife is not like this."

8           5.       Mr. Rider told me he had contacted area hospitals but had not contacted any jails.  
9 I told Mr. Rider that he would need to contact area jails before a missing persons report could be  
10 taken. I also told him that, at that time, his wife did not meet the criteria for a missing persons  
11 report. I advised him to continue checking area hospitals, as well as to look for any activity on  
12 Tanya's bank accounts.

13           6.       I did not make any statements to Mr. Rider that Tanya would be found or that the  
14 King County Sheriff's Office would actively search for her. The non-emergency call I answered  
15 from Mr. Rider on Saturday, September 22, 2007 was my only contact with him.

16           7.       Attached as Exhibit 1 is a true and correct copy of the transcript of my September  
17 22, 2007, phone call with Mr. Rider.

18           I declare under penalty of perjury under the laws of the State of Washington that, to the  
19 best of my knowledge, the foregoing is true and correct.

20  
21           SIGNED and DATED at Seattle, Washington, this 28<sup>th</sup> day of February,  
22 2012.

23  
  
\_\_\_\_\_  
Aaron Siegrist

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

DECLARATION OF AARON SIEGRIST - 2

**EXHIBIT 1**

**EXHIBIT 1**

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

TOMMY & TANYA RIDER, )  
WIFE AND HUSBAND, ) No. 10-2-13111-1  
and the marital community )  
composed thereof, )  
Plaintiffs, )  
vs. )  
KING COUNTY IN ITS CAPACITY )  
AS THE KING COUNTY SHERIFF'S )  
OFFICE, )  
Defendants. )

---

VERBATIM TRANSCRIPT OF PROCEEDINGS  
OF  
911 RECORDINGS  
9/22/2007, 9/23/2007 & 9/27/2007

Transcribed at the Request of the King County Prosecutor's Office

Requested by Lisa Boggess

Transcribed by Brian Killgore

1 live -- or where was he last seen?

2 MR. RIDER: She was last seen in Bellevue. I  
3 spoke with Officer Okina up there. My wife has been missing  
4 for two days.

5 911 OPERATOR: Okay, hold on one second. Let me  
6 get you over to someone who can help you.

7 (Long pause in proceedings)

8 911 OPERATOR: Nonemergency.

9 MR. RIDER: Yeah, I would like to report a missing  
10 person.

11 911 OPERATOR: Okay, how old is this person?

12 MR. RIDER: Born in 1974, that makes her -- 34.

13 911 OPERATOR: Okay, what is the address that she  
14 was last seen at?

15 MR. RIDER: Well the last time I can track down  
16 where anyone actually saw her was in Bellevue, and Officer  
17 Okina asked me to open a case here since this is where we  
18 live and you can monitor the house if she returns.

19 911 OPERATOR: And what are the circumstances?

20 MR. RIDER: She went to work, hasn't come back.

21 911 OPERATOR: Okay, she have serious medical  
22 problems?

23 MR. RIDER: She suffers from depression.

24 911 OPERATOR: Okay, has she been suicidal?

25 MR. RIDER: No.

1                   911 OPERATOR: Okay.

2                   MR. RIDER: Not lately.

3                   911 OPERATOR: Okay, has there been any activity on  
4 any bank accounts, credit cards?

5                   MR. RIDER: The only one I can't check is her  
6 Nordstrom Visa. I am not on that one.

7                   911 OPERATOR: Okay, and she is supposed to work  
8 today or yesterday or?

9                   MR. RIDER: She's been -- Thursday at 9 AM she got  
10 off work at the Bellevue Fred Meyer, and she didn't show up  
11 for work last night.

12                   We work in opposite shifts, so we hardly ever see each  
13 other, anyway, but she didn't show up for work last night or  
14 the last two days for the Nordstrom Rack.

15                   911 OPERATOR: Okay, have you checked jails and  
16 the hospitals?

17                   MR. RIDER: Checked hospitals. My wife has never  
18 done a thing wrong in her life.

19                   911 OPERATOR: You still need to check the area  
20 jails.

21                   MR. RIDER: Well, she is not in jail, I can  
22 guarantee you that. She doesn't drink. She is allergic to  
23 alcohol. There is no other reason she would ever be  
24 arrested.

25                   911 OPERATOR: Well you're still -- if we take a

1 report on a missing person, you're still required to call  
2 the jails in the area and check.

3 MR. RIDER: Fine. I will call the jails.

4 911 OPERATOR: She is an adult. Unless, you know,  
5 there's --

6 MR. RIDER: I am telling you, she is not in jail.  
7 Somebody has done something to her --

8 911 OPERATOR: And why do you say that? -- because  
9 she -- has there been somebody stalking her or following  
10 her?

11 MR. RIDER: Not that she has mentioned, but my  
12 wife is not like this. We just recently bought a new  
13 Element and I am wondering if someone wanted the Element bad  
14 enough to hurt her.

15 My wife is gone and you are talking to me like she just  
16 walked away.

17 911 OPERATOR: Okay.

18 MR. RIDER: No.

19 911 OPERATOR: Which is -- most of the missing  
20 person reports that we take, a lot of times is what  
21 happened.

22 MR. RIDER: This isn't most of your missing person  
23 reports, so get that out of your head.

24 911 OPERATOR: Yeah. Well. You need to call the  
25 jails in the area.

1 MR. RIDER: I will call the jails.

2 911 OPERATOR: Yeah? I can give you the number  
3 for the King County --

4 MR. RIDER: You need to start looking for her car.

5 911 OPERATOR: I'm sorry, sir?

6 MR. RIDER: The police need to start looking for  
7 her car.

8 911 OPERATOR: We don't go out actively searching  
9 for missing people.

10 I can give you the phone number for the jail.

11 MR. RIDER: Go ahead.

12 911 OPERATOR: It is 206-296 --

13 MR. RIDER: 29 what?

14 911 OPERATOR: 296-1234.

15 You can call that --

16 MR. RIDER: I'm doing my part now. She has got a  
17 brand-new Honda Element. Since she's not in -- wasn't  
18 involved in any accidents, it is most likely stolen and  
19 somebody has done something to her.

20 911 OPERATOR: Okay, well you don't know that for  
21 sure, sir. Okay?

22 You also need to call and check some of the other area  
23 jails.

24 Where does she live, what part of the county?

25 MR. RIDER: Maple Valley.

1                   911 OPERATOR: Okay, you can call the Kent Jail  
2 and the Renton Jail, as well. Those numbers are listed in  
3 the blue pages under their specific cities.

4                   Okay?

5                   MR. RIDER: Can you send an officer over to at  
6 least take a report -- 26135 243rd Pl. SE. --

7                   911 OPERATOR: Officers don't take police reports  
8 in person. It is not the police officers that take reports  
9 like this.

10                  And at this point she doesn't meet the criteria for us  
11 taking a missing persons report.

12                  She is an adult. She can go wherever she pleases. She  
13 doesn't have to tell people.

14                  Just because she has missed work -- did you guys have  
15 any arguments?

16                  MR. RIDER: No.

17                  911 OPERATOR: Discussions, problems? Have you  
18 checked any of the other family members in the area?

19                  MR. RIDER: We are buying a house in Maple Valley.

20                  911 OPERATOR: Have you contacted any other family  
21 members that she may go to?

22                  MR. RIDER: I can't talk to her family members.

23                  911 OPERATOR: I'm sorry?

24                  MR. RIDER: She doesn't like her family.

25                  911 OPERATOR: Okay, have you talked to any of the

1 family members to see if they have talked to her or heard  
2 from her?

3 MR. RIDER: Yes, I have; they have not.

4 911 OPERATOR: Okay.

5 Does she have any other friends in the area that she  
6 would go to?

7 MR. RIDER: Depression. She doesn't have any  
8 friends.

9 911 OPERATOR: Okay.

10 I am going to put you on hold real quick. Just a  
11 moment.

12 (Brief pause in proceedings)

13 911 OPERATOR: Okay, so you are still going to  
14 need to check with the jails in the area, Kent and --

15 MR. RIDER: I know. I have more than one cell  
16 phone.

17 911 OPERATOR: Okay.

18 At that point, after you have checked all of the jails  
19 in the vicinity: Kent, Auburn, Renton -- King County  
20 jails --

21 MR. RIDER: Um-hum?

22 911 OPERATOR: -- then we will go from there.

23 Like I say, at this point she does not meet the  
24 criteria to take a missing person's report on. She is an  
25 adult, she has not been suicidal.

1           Just because somebody takes antidepressants doesn't  
2 mean that they have got a serious medical problem.

3           MR. RIDER: She doesn't take antidepressants. She  
4 was diagnosed with depression --

5           911 OPERATOR: Okay.

6           MR. RIDER: -- at 18. She took antidepressants  
7 for a long time and then she got off of them and she started  
8 just trying to monitor with health foods, and she has been  
9 doing quite well for a long time.

10          911 OPERATOR: Okay.

11          MR. RIDER: She has had thoughts that she has  
12 discussed with me, just not recently.

13          911 OPERATOR: Okay, well --

14          MR. RIDER: I don't she did anything to herself; I  
15 think that someone has done something to her, and I know  
16 that I wasn't there to witness something happening, so you  
17 don't really want to take a report on it --

18          911 OPERATOR: No, it is just that it doesn't meet  
19 the criteria for us taking a report. So at this time you  
20 just need to continue checking the jails and the hospitals  
21 in the vicinity --

22          MR. RIDER: How long does she have to be missing  
23 before you will take a report?

24          911 OPERATOR: There is no set time.

25          MR. RIDER: What you are telling me is unless she

1 turns up dead, you're not going to care?

2 911 OPERATOR: Well, what we are telling you is  
3 that she doesn't meet the criteria --

4 MR. RIDER: [UNINTELLIGIBLE] tomorrow  
5 [UNINTELLIGIBLE].

6 911 OPERATOR: What we are telling you is she  
7 doesn't meet the criteria.

8 Okay, we don't go actively searching for missing  
9 people, sir.

10 MR. RIDER: I see.

11 911 OPERATOR: We don't go out looking for people  
12 that are missing -- which is this is what she is considered  
13 at this point is a missing person, if she's gone.

14 So you check in the jails and the hospitals.

15 MR. RIDER: I have called all of the hospitals. I  
16 have went to the hospitals.

17 911 OPERATOR: And you just need to continue  
18 checking them, keep monitoring her checking accounts, any  
19 credit cards that she has.

20 MR. RIDER: So basically you are telling me --

21 911 OPERATOR: If you have access to any Internet  
22 information that she could use, any e-mail.

23 MR. RIDER: Well since the computer is here and  
24 all of her clothes are here and the only thing she has is  
25 her work uniform and her car, and the check books are

1 here -- I am telling you, something has happened to my wife,  
2 and you are treating it like, "Oh, this fucking idiot, his  
3 wife just left him. Oh, the hell with it."

4 911 OPERATOR: No, I am telling you that it  
5 doesn't make the criteria for a missing --

6 MR. RIDER: Her clothes are here, her checkbooks.

7 911 OPERATOR: Sir? I am going to -- you need to  
8 call the jails in the vicinity.

9 MR. RIDER: I am waiting on hold for --

10 911 OPERATOR: Okay, and until you do that, we are  
11 not going to be taking a report.

12 MR. RIDER: Maybe I will just call the media and  
13 complain to them.

14 (End of call)

15 (Start of call 7-0944-0959)

16 911 OPERATOR: 911, what are you reporting?

17 MR. RIDER: A missing person..

18 911 OPERATOR: From what address? What address  
19 were they last seen at?

20 MR. RIDER: The address they were last seen at is  
21 in Bellevue and Bellevue has her on parking lot camera  
22 leaving her work, so they told me to file here.

23 911 OPERATOR: Okay, and what address -- what is  
24 her address that she lives at, then?

25 MR. RIDER: 26135 243rd Place Southeast, Maple

C E R T I F I C A T E

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I, Brian Killgore, do hereby certify:

That ACE Reporting Services, Inc., is a court-approved transcription company for the state of Washington, counties of King and Cowlitz, and for the United States District Court for the Western District of Washington;

That the annexed and foregoing transcript of recorded proceedings was transcribed by me to the best of my ability;

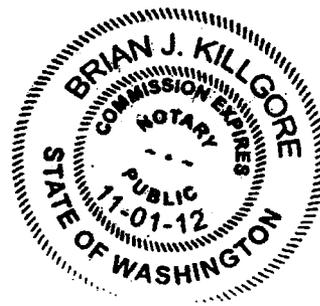
I further certify that I am not a relative or employee or attorney or counsel of any of the parties to said action, or a relative or employee of any such attorney or counsel, and that I am not financially interested in the said action or outcome thereof;

I further certify that the transcript is a true and correct record of all audible portions of the taped testimony, including questions and answers, and all objections, motions and exceptions of counsel made at the time of the foregoing proceedings. Areas of the tape(s) or CD(s) that were not decipherable for any reason are noted as [INAUDIBLE].

Dated June 29, 2011.



Brian J. Killgore  
AAERT Certified Court Reporter  
License CERT\*D-498  
ACE Reporting Services, Inc.  
1900 West Nickerson Street  
Suite 209  
Seattle, WA 98119-1650  
(206) 467-6188



Notary Public in and for the  
State of Washington,  
Residing at Seattle.

My commission expires 11/1/2012

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Hon. Garold E. Johnson  
Noted for March 30, 2012

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

TANYA and TOMMY RIDER, wife and husband )  
and the marital community composed thereof, )

No. 10-2-13111-1

Plaintiffs, )

DECLARATION OF THOMAS LOWE

vs. )

KING COUNTY, in its capacity as the KING )  
COUNTY SHERIFF'S DEPARTMENT, )

Defendant. )

I, Thomas Lowe, declare that:

1. I am over eighteen years of age. I have personal knowledge of the facts contained  
in this declaration and am otherwise competent to testify to the matters in this declaration.

2. On Sunday, September 23, 2007, I was working as a 911 operator for King  
County. That day I answered two non-emergency calls from Tom Rider, who called to report his  
wife Tanya missing.

DECLARATION OF THOMAS LOWE - 1

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819



**EXHIBIT 1**

**EXHIBIT 1**

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

TOMMY & TANYA RIDER, )  
WIFE AND HUSBAND, ) No. 10-2-13111-1  
and the marital community )  
composed thereof, )  
Plaintiffs, )  
vs. )  
KING COUNTY IN ITS CAPACITY )  
AS THE KING COUNTY SHERIFF'S )  
OFFICE, )  
Defendants. )

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VERBATIM TRANSCRIPT OF PROCEEDINGS  
OF  
911 RECORDINGS  
9/22/2007, 9/23/2007 & 9/27/2007

Transcribed at the Request of the King County Prosecutor's Office  
Requested by Lisa Boggess

Transcribed by Brian Killgore

1 Valley, Washington.

2 911 OPERATOR: Okay, let me transfer you to  
3 somebody who can speak to you further. Hang on.

4 (Brief pause in proceedings)

5 911 OPERATOR: Nonemergency operator 65, how may I  
6 help you?

7 MR. RIDER: My wife has been missing for 4 1/2  
8 days now.

9 911 OPERATOR: What is going on? I can't hear  
10 you.

11 MR. RIDER: I had you on the speakerphone.

12 911 OPERATOR: Okay.

13 MR. RIDER: My wife is missing -- been missing for  
14 4 1/2 days now.

15 911 OPERATOR: And what is your address?

16 MR. RIDER: 26135 243rd Pl. SE., Maple Valley.

17 911 OPERATOR: And how old is your wife?

18 MR. RIDER: Thirty-four.

19 911 OPERATOR: And where did she go or what is the  
20 story here?

21 MR. RIDER: Well, she was last seen leaving her  
22 work on --

23 911 OPERATOR: Where does she work?

24 MR. RIDER: Bellevue -- but Bellevue says that  
25 since she was last seen on camera getting into her car and

1 leaving her work, that I have to file here so you guys can  
2 check on the house.

3 911 OPERATOR: Do you live together?

4 MR. RIDER: Yes.

5 911 OPERATOR: So she was last seen -- did she say  
6 anything? Did you have a fight? Did anything happen that  
7 day?

8 MR. RIDER: No fights.

9 911 OPERATOR: And is she -- does she have any  
10 problems, mental or physical?

11 MR. RIDER: She suffers from depression.

12 911 OPERATOR: And do you know the vehicle number?

13 MR. RIDER: 2007 Honda Element. She hasn't picked  
14 up the plates yet.

15 911 OPERATOR: Oh, it is brand-new, no plates?

16 MR. RIDER: Except for the window tag.

17 911 OPERATOR: Well, you wouldn't know what the  
18 number is.

19 Where did you buy the vehicle?

20 MR. RIDER: Renton Honda. We also bought the car  
21 protection thing or something like that. They are supposed  
22 to be able to locate it.

23 911 OPERATOR: And did they? Have you tried it?

24 MR. RIDER: It has to come through the police.

25 I believe that her car has been stolen and something.

1 has happened to her, so I would like to go ahead and report  
2 her car stolen, too.

3 911 OPERATOR: Well I can't report her car stolen  
4 until we know it is stolen. I mean just because you don't  
5 know where it is doesn't mean it is stolen.

6 She was last seen in it, so we can't take a stolen  
7 vehicle report -- but if there is something in it -- was it  
8 called LoJack system?

9 MR. RIDER: Not LoJack, it is -- I -- car  
10 replacement program is supposed to have a locator in it in  
11 case it gets stolen. Replace it for you if it is damaged  
12 beyond repair.

13 911 OPERATOR: Right. And how does it -- how do  
14 you access it?

15 MR. RIDER: I guess Renton Honda would be able to  
16 access it, but I don't know.

17 911 OPERATOR: Have you called them?

18 MR. RIDER: I have called them to see if she  
19 picked up the plates and she hasn't.

20 911 OPERATOR: I am going to need you to call them  
21 and find out how you access this, because I have no idea.  
22 And if we need to get involved to access this, that is not a  
23 problem, but we need to know how it is done -- because if  
24 she is missing and the vehicle is missing, possibly they are  
25 together somewhere. If we could find out where the vehicle

1 is, maybe that's where she is -- and we are more than  
2 willing to get involved to help to do whatever we can with  
3 the car -- to locate the car, but we have to know how to do  
4 it.

5 MR. RIDER: Yeah. I'm calling Renton Honda right  
6 now.

7 911 OPERATOR: In the meantime, what is your  
8 wife's last name?

9 MR. RIDER: Rider, R-I-D-E-R.

10 (Brief pause in proceedings)

11 911 OPERATOR: What is her first name?

12 MR. RIDER: First name is Tanya, T-A-N-Y-A.

13 (Mr. Rider can be heard having a discussion with  
14 the car dealership in the background)

15 (Brief pause in proceedings)

16 COUNCILMEMBER

17 (Mr. Rider is connected with someone else to  
18 discuss how the car locator works. He can be heard speaking  
19 in the background as follows:

20 UNKNOWN PERSON: How can I help you?

21 MR. RIDER: Me and my wife recently purchased a  
22 Honda Element from there. We purchased the car insurance or  
23 whatever it is called.

24 Is there a way that you can locate the car?

25 UNKNOWN PERSON: Have you called the police about

1 this?

2 MR. RIDER: I have him on my other phone in my ear  
3 right now, and he doesn't know how to access that system,  
4 and I was hoping that you could enlighten him.

5 UNKNOWN PERSON: What is your last name?

6 MR. RIDER: Rider, R-I-D-E-R.

7 UNKNOWN PERSON: First name?

8 MR. RIDER: Tanya and Tom.

9 UNKNOWN PERSON: What kind of car is it?

10 MR. RIDER: 2007 Honda Element.

11 UNKNOWN PERSON: And what is the address?

12 MR. RIDER: The address on the registration is 350  
13 Bridger Lane.

14 UNKNOWN PERSON: You said there is Tanya Rider?

15 MR. RIDER: Well it is Tanya, but it is spelled T-  
16 A-N-Y-A.

17 UNKNOWN PERSON: I think that she is the only one  
18 on the car, so I can't release information. Do you not have  
19 the paperwork?

20 MR. RIDER: I am on the car, as well.

21 UNKNOWN PERSON: Okay. Well by law,

22 [UNINTELLIGIBLE].

23 MR. RIDER: Are you hearing this, officer?

24 911 OPERATOR: Yeah, I am.

25 MR. RIDER: Okay.

1           911 OPERATOR: It is a community property state.

2           It is as much your vehicle as it is --

3           MR. RIDER: Community property state and my name  
4           is also on the registration.

5           She is registered owner -- or legal owner, I am the  
6           registered owner. Check your facts.

7           UNKNOWN PERSON: [UNINTELLIGIBLE].

8           MR. RIDER: Yes.

9           I am on -- I came in and signed for the registration,  
10          too. I am on the car.

11          UNKNOWN PERSON: [UNINTELLIGIBLE].

12          MR. RIDER: It was my goddamned money and my  
13          fucking credit that got the goddamned car and you are going  
14          to tell me you can't tell me anything?

15          911 OPERATOR: They will find it.

16          (Brief pause in proceedings)

17          MR. RIDER: I haven't really slept in the last 48  
18          hours.

19          911 OPERATOR: I bet.

20          MR. RIDER: I am just a little bit grumpy. I have  
21          checked with all of -- I have driven by all of her family's  
22          houses --

23          911 OPERATOR: Have you --

24          MR. RIDER: I have checked all the jails like I am  
25          supposed to. I checked every hospital. I have had an

1 eventful last 24 hours; I have been everywhere -- going  
2 in case something happened and she didn't have her ID on her  
3 in case she was in there under a Jane Doe.

4 911 OPERATOR: Right.

5 Does she have credit cards with her? You might go  
6 online or call the banks?

7 MR. RIDER: Nordstrom won't -- I have access to  
8 all the other credit cards.

9 911 OPERATOR: Well she wouldn't use Nordstrom.  
10 You probably need to look at credit cards where she might be  
11 buying --

12 MR. RIDER: It is a Nordstrom Visa.

13 911 OPERATOR: Well she might be buying gasoline  
14 or --

15 MR. RIDER: With the visa, yeah. It is a  
16 Nordstrom Visa.

17 911 OPERATOR: But it is only in her name?

18 MR. RIDER: That one is only in her name.

19 Everything else is in both of our names and there has been  
20 no activity on any of our accounts for the last -- she  
21 hasn't even used her cell phone since last Thursday night at  
22 10:30 when she called me.

23 Wednesday morning at 9 AM she left work and that was  
24 the last time anybody seen her or heard from her. She has  
25 missed work --

1 (Brief pause in proceedings)

2 MR. RIDER: Since they already have their money,  
3 they don't care.

4 911 OPERATOR: Now --

5 MR. RIDER: We've got our money, fuck you.

6 911 OPERATOR: I will tell you what, I have to  
7 answer some calls. When you finish with her, call me back.

8 MR. RIDER: Do you have a direct line?

9 911 OPERATOR: No. Just call 296-3311. You can  
10 ask for operator 65, if I am available.

11 MR. RIDER: 296-3311?

12 911 OPERATOR: Right.

13 MR. RIDER: 296-3311. 296-3311.

14 Go ahead and go --

15 911 OPERATOR: Okay.

16 MR. RIDER: I can remember long enough to write it  
17 down.

18 911 OPERATOR: Okay.

19 (End of call)

20 (Start of call 8 - 1008-1032)

21 911 OPERATOR: Police services.

22 MR. RIDER: Operator 65, please.

23 911 OPERATOR: Hold on.

24 (Brief pause in proceedings)

25 911 OPERATOR: Operator 65.

1 MR. RIDER: Hi, it is Tom Rider begin.

2 911 OPERATOR: Oh, hi. What did you find out?

3 MR. RIDER: They don't have a locator.

4 911 OPERATOR: So there is no locator in the car?

5 MR. RIDER: Yep.

6 911 OPERATOR: Okay.

7 MR. RIDER: And I can't find out what the  
8 temporary tag number is until someone can find it.

9 I know her plates that are sitting there what they are.

10 911 OPERATOR: Yeah, actually that would help if  
11 you know what they are. Hold on.

12 (Brief pause in proceedings)

13 911 OPERATOR: What are the plates?

14 MR. RIDER: 739 XPT. X as in x-ray, P as in  
15 Paul --

16 911 OPERATOR: Okay. X, P as in Paul, T as in  
17 Tom?

18 MR. RIDER: Yes.

19 911 OPERATOR: All right, let's see what that is.  
20 Hopefully that will work.

21 All right, give me your address again.

22 MR. RIDER: 2635 -- 26135 243rd Pl. SE., Babel  
23 Valley, Washington.

24 Nordstrom's card.

25 911 OPERATOR: And it is R-I-D-E-R, right?

1 MR. RIDER: Yeah.

2 911 OPERATOR: And what is the ZIP code there?

3 MR. RIDER: 98038.

4 911 OPERATOR: And what is your phone number?

5 MR. RIDER: 253-377-2968

6 911 OPERATOR: 2922?

7 MR. RIDER: 2968.

8 911 OPERATOR: 68.

9 And I forget, her middle initial is?

10 911 OPERATOR: For -- and what is the full middle  
11 name?

12 MR. RIDER: Lee, L-E-E.

13 911 OPERATOR: And what is her date of birth?

14 MR. RIDER: [REDACTED]. You

15 911 OPERATOR: Okay, the license was 739-X as in  
16 x-ray, P as in Paul, T as in Tom?

17 MR. RIDER: That is correct.

18 911 OPERATOR: Okay, they probably haven't been  
19 assigned yet, because I am not getting anything on those.  
20 No records. No record found.

21 All right.

22 MR. RIDER: [UNINTELLIGIBLE].

23 911 OPERATOR: Well, if they have assigned it to  
24 the vehicle, then you would think it would be in the system,  
25 but it is not.

1 MR. RIDER: Maybe because she still hasn't picked  
2 it up.

3 911 OPERATOR: That could be why. I don't know  
4 how DOL works. Maybe they haven't put them in the system  
5 until she picks them up. I don't know.

6 MR. RIDER: So they are still temporary tags,  
7 which I can't find out the number on that --

8 911 OPERATOR: Right.

9 MR. RIDER: -- until 11 o'clock when the finance  
10 department opens.

11 911 OPERATOR: Oh. Well knowing it is a  
12 temporary -- at least we know there are no plates on the  
13 vehicle, so that's -- that does help.

14 MR. RIDER: If someone stole it, put some plates  
15 on it so it wouldn't be so conspicuous, and they are driving  
16 it around. Four days worth of backed up mail. My wife  
17 always takes care of the mail.

18 911 OPERATOR: Okay, I show an address in Shelton.  
19 Did you guys just move?

20 MR. RIDER: Yes.

21 911 OPERATOR: Okay.

22 MR. RIDER: Well we haven't -- it is not really a  
23 move. We still own the property out there, we are just --

24 911 OPERATOR: Right?

25 MR. RIDER: -- building a house out there.

1                   911 OPERATOR: Oh, I see.

2                   MR. RIDER: All right. And we dug out for the  
3 foundation. There wasn't room for the RV we were staying in  
4 to be on the property, so we traded it in on the stupid  
5 Element. And then I bought a house from the company I work  
6 for -- because I got a good discount.

7                   911 OPERATOR: All right, bear with me. I am  
8 going to fill out a report and we will get her listed in the  
9 system as soon as we can.

10                  Okay, and what day was she seen leaving work?

11                  MR. RIDER: Wednesday morning at 9 AM.

12                  911 OPERATOR: Okay, that would be -- she was  
13 leaving work at 9 AM?

14                  MR. RIDER: Yes.

15                  911 OPERATOR: Does she work a night shift?

16                  MR. RIDER: [UNINTELLIGIBLE].

17                  911 OPERATOR: Yeah.

18                  MR. RIDER: They have her on video driving out of  
19 the parking lot.

20                  911 OPERATOR: Okay.

21                  MR. RIDER: Believe me, I have been doing my  
22 homework on what happens --

23                  911 OPERATOR: I bet you have..

24                  Is your legal name Thomas?

25                  MR. RIDER: Tommy.

1 911 OPERATOR: Is what?

2 MR. RIDER: Tommy.

3 911 OPERATOR: T-O-M-M-Y?

4 MR. RIDER: Right.

5 That a pretty new bank card in the mail.

6 911 OPERATOR: And what is your middle name?

7 MR. RIDER: Michael, M-I-C-H-A-E-L.

8 911 OPERATOR: Okay, and your birth date?

9 MR. RIDER: [REDACTED]

10 911 OPERATOR: Okay. And what is your work  
11 number?

12 MR. RIDER: I gave you my work cell phone.

13 911 OPERATOR: Oh, the 772 -- or 37 --

14 MR. RIDER: 377-2966.

15 911 OPERATOR: That is your cell phone?

16 MR. RIDER: My work cell phone. I am talking to  
17 you on it right now.

18 911 OPERATOR: Okay.

19 MR. RIDER: I have another cell phone.

20 911 OPERATOR: Hold on, let me get that -- let me  
21 get that one in here first.

22 All right, we want to know where to be able to contact  
23 you, so --

24 MR. RIDER: I have these phones on 24/7 --  
25 especially now.

1                   911 OPERATOR:  Yep.

2                   And what is the other cell phone?

3                   MR. RIDER:  360 --

4                   911 OPERATOR:  Um-hum?

5                   MR. RIDER:  463-6574.

6                   And her cell phone --

7                   911 OPERATOR:  I will get that in a minute.  Hold  
8                   on.

9                   Do you have a landline?

10                  MR. RIDER:  No.

11                  911 OPERATOR:  Okay.

12                  And what company do you work for?

13                  MR. RIDER:  I work for Sound Built Homes.

14                  911 OPERATOR:  Okay.

15                  MR. RIDER:  And I also work for Papa John's.

16                  911 OPERATOR:  Okay, I just need one.

17                  (Brief pause in proceedings)

18                  911 OPERATOR:  Okay, and Tanya, is she white,  
19                  black, Asian, Hispanic?

20                  MR. RIDER:  White.

21                  911 OPERATOR:  White?  And what color are her  
22                  eyes?

23                  MR. RIDER:  Green.

24                  911 OPERATOR:  And her hair?

25                  MR. RIDER:  Blonde.  It is long blonde hair.

1 5'10".

2 911 OPERATOR: Hold on. I am just about there.

3 And about how much does she weigh?

4 MR. RIDER: 144 or 150.

5 911 OPERATOR: Does she wear glasses? Is she  
6 wearing glasses now?

7 MR. RIDER: She probably is by now if she is still  
8 all right, because her contacts she can only wear for 12  
9 hours.

10 911 OPERATOR: Okay, but she -- last seen, was she  
11 wearing glasses?

12 MR. RIDER: Last seen she was wearing contacts.

13 911 OPERATOR: Okay.

14 And does she have any scars, marks, tattoos or  
15 piercings? -- that might help?

16 MR. RIDER: Nope.

17 911 OPERATOR: Does she pierce her ears?

18 MR. RIDER: Yeah, she doesn't wear any earrings.

19 911 OPERATOR: Okay, and do you know what she was  
20 wearing on Wednesday he was at work?

21 MR. RIDER: Black slacks and a white long-sleeved  
22 blouse.

23 911 OPERATOR: And do you know her Social Security  
24 number?

25 MR. RIDER: XXX-XX-5030. (First digits

1 intentionally omitted)  
2 911 OPERATOR: 5020?  
3 MR. RIDER: 30.  
4 911 OPERATOR: 30. Okay.  
5 And you guys -- you don't have a landline, right?  
6 MR. RIDER: No.  
7 911 OPERATOR: What is her cell phone number?  
8 MR. RIDER: 360-463-6577.  
9 911 OPERATOR: And who does she work for?  
10 MR. RIDER: She works for the Nordstrom Rack and  
11 also Fred Meyer in Bellevue.  
12 911 OPERATOR: Okay, what does she do for  
13 Nordstrom?  
14 MR. RIDER: Loss prevention, [UNINTELLIGIBLE].  
15 911 OPERATOR: Okay, and do you know her work  
16 number?  
17 MR. RIDER: 425 -- or no.  
18 911 OPERATOR: That sounds right for Bellevue.  
19 MR. RIDER: 425 -- 425-228-3440.  
20 911 OPERATOR: Okay.  
21 MR. RIDER: Oh, she called me on this phone that I  
22 am talking to you. Make sure that's the right number.  
23 911 OPERATOR: Okay.  
24 MR. RIDER: That's correct.  
25 911 OPERATOR: Yep.

1 MR. RIDER: Are you still there?

2 911 OPERATOR: Yes.

3 MR. RIDER: The last call she made to this phone  
4 was 425-

5 911 OPERATOR: Let me get back there real quick.  
6 Okay.

7 MR. RIDER: 865-8560.

8 911 OPERATOR: And you say that phone is dead now?  
9 I mean not that phone but the -- her cell phone?

10 MR. RIDER: That is the Fred Meyer.

11 911 OPERATOR: Okay.

12 But you said her cell phone is not working or dead?

13 MR. RIDER: It keeps ringing. No one is answering  
14 it --

15 911 OPERATOR: Okay.

16 MR. RIDER: -- means that somehow it is still  
17 charged.

18 911 OPERATOR: Okay.

19 MR. RIDER: Because if it was off, it would just  
20 go straight to -- "the cellular customer does not available"  
21 because she doesn't have her voicemail set up.

22 911 OPERATOR: Okay, and when she was in Bellevue  
23 getting out of work, she was getting out of work where?

24 MR. RIDER: 9 AM, the Fred Meyer in Bellevue --

25 911 OPERATOR: At the Fred Meyer?

1 MR. RIDER: Yes.

2 911 OPERATOR: Okay, the Fred Meyer in Bellevue.  
3 Okay.

4 And she has never done this before?

5 MR. RIDER: No. We not only just purchased a  
6 brand-new car -- and that was the whole reason she was so  
7 happy, to go to work --

8 911 OPERATOR: Right.

9 MR. RIDER: Her Social Security card is here. All  
10 of the checkbooks. And her new cards are downstairs. The  
11 only one that I don't have access to is the Nordstrom Visa.  
12 And they told me that I would have to have an officer call  
13 to check if there was any activity on it.

14 911 OPERATOR: Okay.

15 MR. RIDER: On that -- talking on the other line.

16 911 OPERATOR: Okay.

17 MR. RIDER: I'll call him back.

18 911 OPERATOR: Okay.

19 Oh, I thought it might be --

20 MR. RIDER: No, because that is the reason -- she  
21 is worried, too.

22 911 OPERATOR: And you have checked with all of  
23 her relatives?

24 MR. RIDER: Yes. I drove by all their houses last  
25 night.

1 911 OPERATOR: Have you tried calling them?

2 MR. RIDER: I don't know their numbers.

3 911 OPERATOR: Oh.

4 MR. RIDER: She hasn't talked to them in three  
5 years.

6 911 OPERATOR: Oh, I see.

7 MR. RIDER: But I know where they live so I drove  
8 by their houses.

9 911 OPERATOR: You might go by and knock on the  
10 door, but if she hasn't talked to them for three years, it  
11 is probably unlikely, but it would be something to check.

12 MR. RIDER: I wouldn't know what to say: "Hey, I  
13 haven't seen you in three years, your granddaughter  
14 missing."

15 911 OPERATOR: Yeah.

16 MR. RIDER: And they hate my guts. They think I  
17 took her away from them -- their granddaughter.

18 I need to pay bills here and I don't even know which  
19 checkbook is which.

20 911 OPERATOR: Yeah.

21 MR. RIDER: We have got \$64,000 in the bank.

22 911 OPERATOR: Wow.

23 MR. RIDER: And credit up to five. So if she was  
24 going to leave me --

25 911 OPERATOR: Yeah, she would have gotten some

1 money out.

2 MR. RIDER: Yeah.

3 She always said if she ever left me she would take  
4 everything. So I know she didn't leave me -- because she  
5 didn't touch nothing. Her pills are still here, all of her  
6 clothing -- everything that makes her, her.

7 911 OPERATOR: Do you know the name of her boss at  
8 Fred Meyer?

9 MR. RIDER: Roxanna. She has called me more than  
10 the Bellevue Police have. They just called me to say,  
11 "You'll have to file a -- down by where you live because she  
12 was last seen leaving --

13 911 OPERATOR: Right.

14 MR. RIDER: -- Fred Meyer, on camera, getting into  
15 her own car."

16 911 OPERATOR: Right.

17 Does she have any health problems that she takes like  
18 medication daily for?

19 MR. RIDER: She suffers from depression but she  
20 doesn't take medication for it. She eats at Whole Foods and  
21 avoids pesticides. She takes vitamins and stuff like that  
22 and minerals.

23 911 OPERATOR: Do you know, does she do drugs?

24 MR. RIDER: No, she doesn't -- she has never done  
25 a drug in her life.

1                   911 OPERATOR: And does she drink alcohol?

2                   MR. RIDER: She is allergic. If she drinks  
3 alcohol she gets a bladder infection.

4                   911 OPERATOR: Okay, and she probably doesn't do  
5 prostitution.

6                   MR. RIDER: No.

7                   911 OPERATOR: What is the name of her dentist, do  
8 you know?

9                   MR. RIDER: He is in Auburn. It has been a few  
10 years since she has seen him -- Dr. Houm?

11                  911 OPERATOR: Dr. what?

12                  MR. RIDER: H-O-U -- I would have to look it up.  
13 I just drive by his office and see --

14                  911 OPERATOR: That's all right, we don't need  
15 that right now. I wouldn't know my own wife and she goes  
16 every six months. I don't know his name.

17                  And she doesn't have a caseworker or anybody she works  
18 with -- like DSHS or --

19                  MR. RIDER: No.

20                  911 OPERATOR: Okay.

21                  MR. RIDER: She used to, a long time ago when I  
22 first met her.

23                  911 OPERATOR: Right.

24                  And you said she has not left before, correct?

25                  MR. RIDER: No, she hasn't. And I'm sorry, I

1           might have misquoted her age. I think she may be -- '74 --  
2           33.

3                     911 OPERATOR: Which?

4                     MR. RIDER: Her birth year is '74, and I am not  
5           thinking all too clearly. She is six years younger than me.

6                     911 OPERATOR: Yeah, it is '74. [REDACTED]

7                     MR. RIDER: Well, but her age, I think I said she  
8           was 34.

9                     911 OPERATOR: Oh, that's all right, she is --  
10          yeah. That's fine. I don't have to figure it out, my  
11          system does. If I put in her date of birth, it tells me.  
12          So that's fine.

13                    MR. RIDER: She would kill me for adding years.

14                    911 OPERATOR: You are adding years to her, I  
15          know.

16                    All right, let me give you a case number.

17                    Hold on one second. Tell me when you have a pencil.

18                    MR. RIDER: I have a pen but it is downstairs.

19                    911 OPERATOR: All right.

20                    MR. RIDER: Okay.

21                    911 OPERATOR: Oh, I do need some more  
22          information, though.

23                    It is -- the new vehicle, it is a 2007 -- let's see,  
24          did I write that down already? 2007 Honda Element, right?

25                    MR. RIDER: Yes, blue.

1 911 OPERATOR: Blue?

2 MR. RIDER: Silver running boards.

3 911 OPERATOR: And those are like minivans or are  
4 they SUVs?

5 MR. RIDER: SUVs.

6 911 OPERATOR: SUVs. Okay, and -- okay, that's  
7 all I --

8 MR. RIDER: It is like an SUV with a third door --  
9 the doors that open up backwards? •

10 911 OPERATOR: Oh, right. Right.

11 Okay, let me give you a case number.

12 It is 284 -- I'm sorry, I'll start out again.

13 07-284580.

14 MR. RIDER: [UNINTELLIGIBLE].

15 911 OPERATOR: Actually, 284,580.

16 MR. RIDER: Today?

17 911 OPERATOR: Oh, no, no, no, that is since  
18 January -- although I'm not actually sure they start with  
19 one. I wasn't here in January, so I don't know whether they  
20 started with 001 or not -- but anyway, what is going to  
21 happen is we are going to list her, and this listing will go  
22 not just -- it will go not just countywide, it will go  
23 statewide and countrywide.

24 So if she is --

25 MR. RIDER: [UNINTELLIGIBLE] morgues but I can't

1 bring myself to do that.

2 911 OPERATOR: Anyway, if she is found and someone  
3 runs her name anywhere in the country, they will know that  
4 she is missing and they will call. That is why I needed  
5 your numbers. All right?

6 If you find out more information, feel free to call  
7 back and use that number.

8 MR. RIDER: No problem.

9 911 OPERATOR: Okay?

10 MR. RIDER: Thank you, sir.

11 911 OPERATOR: Okay. Bye.

12 (End of call)

13 (Call 9out -1111-1115)

14 (Sound of telephone ringing)

15 MR. RIDER: This is Tom.

16 911 OPERATOR: Tom, hi, this is operator 65 with  
17 King County.

18 MR. RIDER: Yes, sir?

19 911 OPERATOR: I just -- a couple of things. If  
20 you could go ahead and call the vehicle -- the Honda  
21 dealership when the finance people come in, because if we  
22 can get the number on the placard in the window, it would  
23 help us.

24 MR. RIDER: No problem.

25 911 OPERATOR: And if possible, and this is

1 probably more important than the placard because the placard  
2 could have been removed, if they will give you the VIN  
3 number that would be something we really could use.

4 MR. RIDER: I should have the VIN number in the  
5 house.

6 911 OPERATOR: Oh, okay. That I could use right  
7 now, then.

8 (Brief pause in proceedings)

9 MR. RIDER: We just got the life insurance policy  
10 on the --

11 911 OPERATOR: Oh, yeah, and that would have the  
12 VIN.

13 MR. RIDER: On the vehicle loan.

14 (Brief pause in proceedings)

15 MR. RIDER: I can't find -- the VIN number is 5J  
16 as in John --

17 911 OPERATOR: Okay, hold on. 5 J as in John.

18 MR. RIDER: 6 Y as in your yodel -- H as in Harry  
19 8767L as in Larry 006977.

20 MR. RIDER: Okay.

21 Yeah, it is not -- the whole thing isn't entered, but  
22 let's make sure I have got it right. It is 5J -- John --  
23 6Y -- young -- H, Henry -- 8767 --

24 MR. RIDER: 2. There is a 2 in there after the 8.

25 911 OPERATOR: Oh. Okay, I must have missed that.

1 Okay.

2 H28767L-Larry-006977?

3 MR. RIDER: That is correct.

4 911 OPERATOR: Okay, let me run that again.

5 I always check because VINs with that many numbers in  
6 it, it is real easy for me to make a mistake.

7 (Brief pause in proceedings)

8 911 OPERATOR: And there it is. I have got it.

9 I wonder why it didn't come up by license? 2007 Honda.

10 MR. RIDER: It's in there?

11 911 OPERATOR: Yeah, it is in there, 739XBP, but  
12 it didn't come up --

13 MR. RIDER: Oh, BP?

14 911 OPERATOR: It is B as in boy P as in Paul.

15 That's why.

16 MR. RIDER: Oh, I misunderstood it when she told  
17 me.

18 911 OPERATOR: Yeah, it is hard. Saying letters  
19 over the phone is hard. We always try to use names like B  
20 boy, P Paul, so that we don't -- but anyway, I found it.  
21 That's great.

22 Okay.

23 MR. RIDER: It would be better if you found her.

24 911 OPERATOR: It really would.

25 I think we are going to go ahead and send an officer

1 out to talk to you about this.

2 MR. RIDER: Okay.

3 911 OPERATOR: And are you going to be home for a  
4 while?

5 MR. RIDER: I have got nowhere to go today.

6 911 OPERATOR: Okay. All right, I can't guarantee  
7 it will be any time soon. It depends on how busy they are.

8 MR. RIDER: I understand.

9 911 OPERATOR: But we will send one out to talk to  
10 you.

11 MR. RIDER: It depends on how many idiots are out  
12 today.

13 911 OPERATOR: That is exactly right.

14 All right, well thanks for the information. I don't  
15 need the placard number now.

16 MR. RIDER: Okay.

17 911 OPERATOR: The VIN number will help us  
18 actually more than that to identify the vehicle, if we find  
19 in. So -- and then I will send the officer out to talk to  
20 you.

21 MR. RIDER: Thank you.

22 911 OPERATOR: Okay. Bye.

23 (End of call)

24 (Call Seradio-1346-1445)

25 911 OPERATOR: [UNINTELLIGIBLE].

C E R T I F I C A T E

1 I, Brian Killgore, do hereby certify:

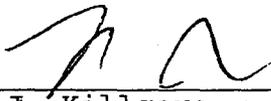
2 That ACE Reporting Services, Inc., is a court-approved  
3 transcription company for the state of Washington, counties of  
4 King and Cowlitz, and for the United States District Court for  
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5 That the annexed and foregoing transcript of recorded  
6 proceedings was transcribed by me to the best of my ability;

7 I further certify that I am not a relative or employee or  
8 attorney or counsel of any of the parties to said action, or a  
9 relative or employee of any such attorney or counsel, and that I  
am not financially interested in the said action or outcome  
thereof;

10 I further certify that the transcript is a true and correct  
11 record of all audible portions of the taped testimony, including  
12 questions and answers, and all objections, motions and exceptions  
of counsel made at the time of the foregoing proceedings. Areas  
of the tape(s) or CD(s) that were not decipherable for any reason  
are noted as [INAUDIBLE].

13 Dated June 29, 2011.

14 

15 \_\_\_\_\_  
16 Brian J. Killgore  
17 AAERT Certified Court Reporter  
18 License CERT\*D-498  
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20 Notary Public in and for the  
21 State of Washington,  
Residing at Seattle.

22 My commission expires 11/1/2012

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Hon. Garold E. Johnson  
Noted for March 30, 2012

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

TANYA and TOMMY RIDER, wife and husband )  
and the marital community composed thereof, )

No. 10-2-13111-1

Plaintiffs, )

vs. )

DECLARATION OF CHRISTOPHER  
CROSS

KING COUNTY, in its capacity as the KING )  
COUNTY SHERIFF'S DEPARTMENT, )

Defendant. )

I, Christopher Cross, declare under penalty of perjury of the laws of the State of

Washington that the following is true and correct:

1. I am over eighteen years of age. I have personal knowledge of the facts contained  
in this declaration and am otherwise competent to testify to the matters in this declaration.

2. I am employed as a King County Sheriff's Deputy and was working in that  
capacity on Sunday, September 23, 2007. On that day, I was dispatched to 26135 243<sup>rd</sup> Place  
Southeast to contact Tom Rider regarding his wife, Tanya.

DECLARATION OF CHRISTOPHER CROSS - 1

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819



**EXHIBIT 1**

**EXHIBIT 1**

DO NOT DISCLOSE: <input type="checkbox"/>		<b>SHERIFF</b> <b>FRANKLIN COUNTY</b>	<b>FOLLOW-UP REPORT</b>			07-284580	Page 1
Domestic Violence: <input type="checkbox"/>						563-M-0	District: H-1
Reported: 9/23/2007	DOW Sun	Time: 13:58	Incident Type: PERSON LOST, FOUND, OR MISSING		Initial FCR 563-F-0	Court	Juvenile <input type="checkbox"/>
Occ Between: 9/20/2007	DOW Thu	Time: 21:00	And: 9/20/2007	DOW Thu	Time: 13:58	LocationName:	
Incident Location: 26135 243 PL SE				City: MAPLE VALLEY		State: WA	Zip 98038

VICTIMS, WITNESSES AND OTHER PERSONS SECTION							
Association: <b>VICTIM</b>		Last, First Middle <b>RIDER, TANYA LEE</b>			Interpreter Needed <input type="checkbox"/>	Phone Numbers: Home 360/463-6577 Work 425/865-8560	
Address <b>26135 243 PL SE</b>			City <b>MAPLE VALLEY</b>		ST <b>WA</b>	Zip <b>98038</b>	
Sex <b>F</b>	Race <b>W</b>	DOB [REDACTED]	Height <b>5' 10"</b>	Weight <b>145</b>	Hair <b>BLN</b>	Glass' 	Eyes <b>GRN</b>
Scars, Marks & Tattoos <b>NONE</b>			Clothing		Gang		Set
Occupation <b>STOCKER/CLERK</b>		Employer <b>FRED MEYER/NORDSTR</b>		OLN <b>RIDERTL264L5</b>	ST <b>WA</b>	SSN [REDACTED]	AFIS#:
Additional Alias: Last Name <b>LOE</b>		First Name <b>TANYA</b>		MI <b>LEE</b>	Moniker		
Association: <b>CONTACTED</b>		Last, First Middle <b>RIDER, TOMMY M</b>			Interpreter Needed <input type="checkbox"/>	Phone Numbers: Home 253/377-2968 Work 253/377-2968	
Address <b>26135 243 PL SE</b>			City <b>MAPLE VALLEY</b>		ST <b>WA</b>	Zip <b>98038</b>	
Sex <b>M</b>	Race <b>W</b>	DOB [REDACTED]	Height <b>6' 0"</b>	Weight <b>217</b>	Hair <b>BRO</b>	Glass' 	Eyes <b>BLU</b>
Scars, Marks & Tattoos			Clothing		Gang		Set
Occupation <b>SUPERINTENDENT</b>		Employer <b>SOUNDBUILT HOMES, IN</b>		OLN <b>RIDERTM327DT</b>	ST <b>WA</b>	SSN [REDACTED]	AFIS#:
Additional Alias: Last Name <b>RIDER</b>		First Name <b>TOM</b>		MI	Moniker		

REVIEW			
Date Submitted: <b>9/30/2007</b>	Reporting Officer: <b>01426 Cross, Christopher N.</b>		Event Processing Status: <b>Filed</b>
Date Time Reviewed: <b>10/1/2007 05:29</b>	Reviewing Officer: <b>04403 Corey, James R.</b>		Date Status Last Changed: <b>10/1/2007 9:26:37 A</b>

<input type="checkbox"/> Aid Req	<input type="checkbox"/> Weapons	<input type="checkbox"/> Injury	<input type="checkbox"/> Alcohol	<input type="checkbox"/> Computer	<input type="checkbox"/> Dom Viol	<input type="checkbox"/> Drug	<input type="checkbox"/> Juvenile	<input type="checkbox"/> Gang
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CASE FOLLOW-UP REPORT

9

Printed by: Haskin, Brad/Records Unit On: Tuesday 10/02/07 07:59

1191037753

DO NOT DISCLOSE! <input type="checkbox"/>	<b>SHERIFF</b> KING COUNTY	<b>FOLLOW-UP REPORT</b>	07-284580	Page 2
Domestic Violence: <input type="checkbox"/>			563-M-0	District: H-1

<b>VEHICLE SECTION</b>							
<b>VICTIM Vehicle</b>							
Vehicle Association <b>VICTIM</b>	License	State <b>WA</b>	Year <b>2007</b>	Make <b>HONDA</b>	Model <b>ELEMENT</b>	Style <b>4DR</b>	Color <b>BLU</b>
Features <b>new vehicle no plates/unknown VIN #</b>					VIN		
Registered Owner Name <b>RIDER, TANYA LEE</b>				Registered Owner Address <b>26135 243 PL SE MAPLE VALLEY, WA</b>			
Legal Owner Name <b>RIDER, TANYA LEE</b>				Legal Owner Address <b>26135 243 PL SE MAPLE VALLEY, WA</b>			
Vehicle Disposition (If towed, list towing company, address)			Hold <b>No</b>	Reason For Hold			
Stolen Vehicle <input type="checkbox"/>	Divorce In Progress <input type="checkbox"/>	Payments Overdue <input type="checkbox"/>	Keys In Ignition <input type="checkbox"/>	Estimated Value	Radio Notified Clerk	Date	Time
<input type="checkbox"/> HDB Complaint		<input type="checkbox"/> Doors Unlocked					
Recovered Vehicle Condition (damage, items stripped, etc.)			Other Agency/Case Number		Owner Notified By	Date	Time
<b>MO</b>							

Suspect Trademarks:

Instrument:

Entry Point:

Entry Method:

Premises Type	Locked <input type="checkbox"/>	Occupied <input type="checkbox"/>	Total Property Cost:
<input type="checkbox"/> Aid Req <input type="checkbox"/> Weapons <input type="checkbox"/> Injury <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer <input type="checkbox"/> Dom Viol <input type="checkbox"/> Drug <input type="checkbox"/> Juvenile <input type="checkbox"/> Gang			

**Reporting Officers Entries Associated with this Case Follow-up Report:**

Sunday 09/30/07

16:50

On 09-23-07 at approx. 1358 hrs, I was notified by radio to contact (C) Tommy at his residence 26135 243 PL SE. Tommy called 911 in regards to a follow up report for his wife (V) Tanya.

Upon arrival I contacted Tommy at his residence. Tommy told me his wife Tanya was missing. Tanya was apparently last seen at her workplace, a Fred Meyer store in Bellevue on 09-20-07. Tommy informed me he contacted Bellevue Police Department, speaking to an officer Okahara, filling a missing person report. Tommy then told me he contacted King County Sheriff Office filling a missing report under this case #. Tommy last spoke to Tanya via the phone the night of 09-19-07.

Tommy stated Fred Meyer had video surveillance footage of Tanya leaving Fred Meyer on 09-20-07 at approx. 2230 hrs in her 2007 Blue Honda Element. Tanya's vehicle is new and has temporary plates, unknown during my contact with him. Tommy had attempted several times to contact Tanya via her cell phone with negative results. Tommy and Tanya have not recently been in a fight, and Tanya is not on any type of medication, nor does she have any type of documented mental disorder/or depression. I asked Tommy if Tanya had any family members close in which he said "yes, but she does not really talk to them".

Tommy asked me to search his residence in which I did. Tommy told me "I know the husband is usually looked at during this kind of thing, you can check my house". As I searched the residence, I found it to be empty with no furniture. I observed several "female type" clothes, and some various food items in the kitchen.

I supplied Tommy with a department issued business card with case #. I gave Tommy Major Crimes phone # and informed him to contact them tomorrow (Monday) morning.

This ended my involvement in this case.

DO NOT DISCLOSE: <input type="checkbox"/>		FOLLOW-UP REPORT	07-284580	Page 3
Domestic Violence: <input type="checkbox"/>			563-M-0	District: H-1
<b>Summary/Conclusion:</b>				
See time/follow up entry.				
Certification I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Date and Place: _____ Signature/Agency: _____				
<b>END OF REPORT</b>				

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Hon. Garold E. Johnson  
Noted for March 30, 2012

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

TANYA and TOMMY RIDER, wife and husband )  
and the marital community composed thereof, )

No. 10-2-13111-1

Plaintiffs, )

DECLARATION OF JANET RHODES

vs. )

KING COUNTY, in its capacity as the KING )  
COUNTY SHERIFF'S DEPARTMENT, )

Defendant. )

I, Janet Rhodes, declare that:

1. I am over eighteen years of age. I have personal knowledge of the facts contained  
in this declaration and am otherwise competent to testify to the matters in this declaration.

2. Since 1998, I have worked for the King County Sheriff's Office as an  
Administrative Staff Assistant in the Major Crimes Unit. My primary duties include conducting  
follow-up investigations regarding missing persons.

1           3.       On Monday, September 24, 2007, I reviewed a missing person report about Tanya  
2 Rider. That morning I called Tom Rider and asked him a number of questions about his wife,  
3 Tanya. I wanted to obtain as much information as possible in order to determine whether Tanya  
4 was, in fact, missing. I asked Mr. Rider about the couple's finances, and he told me that Tanya  
5 was the only one who had access to a USAA bank account, as well as a Nordstrom Visa. When I  
6 contacted USAA and Nordstrom, each confirmed that Tanya was the only person with access to  
7 the accounts.

8           4.       That morning I also called Fred Meyer and spoke with Tanya's supervisor,  
9 Roxanna Dressler. Ms. Dressler told me that she called Tom Rider on Friday morning,  
10 September 21, at 7:00 a.m. to see if Tanya had slept in. She told me that Mr. Rider did not know  
11 Tanya had missed work.

12           5.       I tried calling Tanya's cell phone but got no response. Additionally, I contacted  
13 her cellular provider, Verizon, and their automated message said information would not be  
14 released without a subpoena or court order.

15           6.       Monday afternoon I used the automated system for USAA to access Tanya's  
16 account activity. I learned that there was a debit withdrawal that day of \$7.58, as well as debit  
17 and automatic withdrawals from September 19, and an automatic withdrawal on September 20.  
18 One of the September 19 debit charges was for \$685.23. On Tuesday, September 25, I checked  
19 the account activity again and found out that a \$1,000 transfer had been made from Tanya's  
20 savings account to her checking. At that point, I believed that Tanya was not missing at all.

21           7.       On Wednesday morning, September 26, 2007, Mr. Rider volunteered to me that  
22 he did, in fact, have access to the USAA account. He said he had misunderstood my earlier  
23 question about account access because he was so exhausted. I told Mr. Rider that USAA was not

1 responding to my requests for account information, and he said he would call them. Later that  
2 day, Mr. Rider faxed an account statement to me and we discussed the charges from the past 7  
3 days. All of the activity was by Mr. Rider. The large debit charge from September 19 was for  
4 Lew Rents West. I asked Mr. Rider about it, and he said that he rented an excavator for use at  
5 the couple's property in Shelton.

6 8. In light of this new information from Mr. Rider, on Wednesday our office  
7 requested Tanya's cell phone records from Verizon under exigent circumstances with a warrant  
8 to follow. We were concerned that Tanya may have been the victim of a crime. On Thursday,  
9 September 27, 2007, we obtained Tanya's cell phone records, including the cell tower location of  
10 her last cell activity. Using the information, King County deputies located Tanya that afternoon  
11 in her vehicle, which was about 30 feet down and 15 feet away from State Route 169 near Jones  
12 Road over a steep embankment. She was rescued and transported from the scene.

13 9. I had a number of telephone conversations with Mr. Rider while Tanya was  
14 missing. At no time did I ever give him any guarantee that Tanya would be found or that the  
15 sheriff's office would be taking any specific action to do so. I understand that Mr. Rider testified  
16 in his deposition that I told him if something bad had happened to Tanya that we would locate  
17 her. I am certain I said nothing of the sort, nor is it my practice to ever make such a promise in a  
18 missing persons case where criminal activity has not been ruled out.

19 10. Attached as Exhibit 1 is a true and correct copy of the transcript of my follow-up  
20 notes concerning Tanya Rider.

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DECLARATION OF JANET RHODES - 3

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

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I declare under penalty of perjury under the laws of the State of Washington that, to the best of my knowledge, the foregoing is true and correct.

SIGNED and DATED at Kent, Washington, this 29<sup>th</sup> day of February 2012.

  
Janet Rhodes

**EXHIBIT 1**

**EXHIBIT 1**

DO NOT DISCLOSE: <input type="checkbox"/>		<b>SHERIFF</b> <b>KING COUNTY</b>		<b>FOLLOW-UP REPORT</b>		07-284580		Page 1	
Domestic Violence: <input type="checkbox"/>						563-N-0		District: H-1	
Reported:	DOW:	Time:	Incident Type:			Initial FCR	Court		Juvenile
09/23/07	Sun	10:15	PERSON LOST, FOUND, OR MISSING			563-F-0			<input type="checkbox"/>
Occ Between:	DOW:	Time:	And:	DOW:	Time:	Location Name:			
09/19/07	Wed	9:00	09/19/07	Wed	9:00				
Incident Location:					City:	State:	Zip		
26135 243 PL SE					MAPLE VALLEY	WA	98038		

**VICTIMS, WITNESSES AND OTHER PERSONS SECTION**

Association:		Last, First Middle				Interpreter Needed <input type="checkbox"/>		Phone Numbers:	
VICTIM		RIDER, TANYA LEE						Home 360/463-6577 Work 425/865-8560 Cell 360/463-6577	
Address				City		ST	Zip		
26135 243 PL SE				MAPLE VALLEY		WA	98038		
Sex	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
F	W		5' 10"	145	BLN		GRN		
Scars, Marks & Tattoos			Clothing			Gang		Set	
NONE									
Occupation		Employer		OLN		ST	SSN	AFIS#:	
STOCKER/CLERK		FRED MEYER/NORDSTR		RIDERTL264L5		WA			
Additional Alias: Last Name			First Name		MI	Moniker			
LOE			TANYA		LEE				

Association:		Last, First Middle				Interpreter Needed <input type="checkbox"/>		Phone Numbers:	
OFFICER		GRANNIS, GREG						Work 425/452-4129	
Address				City		ST	Zip		
				BELLEVUE		WA			
Sex	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
M									
Scars, Marks & Tattoos			Clothing			Gang		Set	
Occupation		Employer		OLN		ST	SSN	AFIS#:	
PIO		BELLEVUE PD							

**REVIEW**

Date Submitted:	Reporting Officer:	Event Processing Status:
09/27/07	16727 Rhodes, Janet E.	Filed
Date Time Reviewed:	Reviewing Officer:	Date Status Last Changed:
9/28/2007 08:06	08661 Toner, Mark P	09/28/07 3:18:01 PM

Aid Req  Weapons  Injury  Alcohol  Computer  Dom Viol  Drug  Juvenile  Gang

CASE FOLLOW-UP REPORT

Printed by: Warfield, Lisa A On: Thursday 10/04/07 12:18

-1521134336

DO NOT DISCLOSE! <input type="checkbox"/>		<b>SHERIFF</b> KING COUNTY		<b>FOLLOW-UP REPORT</b>				07-284580		Page 2	
Domestic Violence: <input type="checkbox"/>								563-N-0		District: H-1	
Association: <b>REPORTING PAR</b>		Last, First Middle <b>RIDER, TOMMY M</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Home 253/377-2968 Work 253/377-2968 Cell 360/463-6574			
Address <b>26135 243 PL SE</b>				City <b>MAPLE VALLEY</b>		ST <b>WA</b>	Zip <b>98038</b>				
Sex <b>M</b>	Race <b>W</b>	DOB [REDACTED]	Height <b>6' 0"</b>	Weight <b>217</b>	Hair <b>BRO</b>	Glass'	Eyes <b>BLU</b>	Facial Hair <b>UNSHAVEN</b>			
Scars, Marks & Tatoos			Clothing			Gang			Set		
Occupation <b>SUPERINTENDENT</b>		Employer <b>SOUNDBUILT HOMES, IN</b>		OLN <b>RIDERTM327DT</b>		ST <b>WA</b>	SSN [REDACTED]		AFIS#:		
Additional Alias: Last Name <b>RIDER</b>		First Name <b>TOM</b>		MI		Moniker					
Association: <b>CONTACTED</b>		Last, First Middle <b>CUSEA, ANDRE</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Work 253/565-0666			
Address <b>1816 S MILDRED ST</b>				City <b>TACOMA</b>		ST <b>WA</b>	Zip <b>98465</b>				
Sex <b>M</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair			
Scars, Marks & Tatoos			Clothing			Gang			Set		
Occupation <b>MANAGER</b>		Employer <b>STARBUCKS</b>		OLN		ST	SSN		AFIS#:		
Association: <b>CONTACTED</b>		Last, First Middle <b>DRESSLER, ROXANNA</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Work 425/865-8560			
Address <b>820 S PUGET SOUND AV</b>				City <b>TACOMA</b>		ST <b>WA</b>	Zip <b>98405</b>				
Sex <b>F</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair			
Scars, Marks & Tatoos			Clothing			Gang			Set		
Occupation <b>SUPERVISOR</b>		Employer <b>FRED MEYER</b>		OLN		ST	SSN		AFIS#:		
Association: <b>CONTACTED</b>		Last, First Middle <b>GORDHAMER, MARK DAVID</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Home 253/761-5596 Work 425/227-2391			
Address <b>820 S PUGET SOUND AV</b>				City <b>TACOMA</b>		ST <b>WA</b>	Zip <b>98405</b>				
Sex <b>M</b>	Race	DOB [REDACTED]	Height	Weight	Hair	Glass'	Eyes	Facial Hair			
Scars, Marks & Tatoos			Clothing			Gang			Set		
Occupation		Employer		OLN		ST	SSN		AFIS#:		

Association: <b>CONTACTED</b>		Last, First Middle <b>HAUK, JAMES</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Home 253/858-2545	
Address <b>11725 122 AV KP N</b>			City <b>GIG HARBOR</b>			ST <b>WA</b>	Zip <b>98329</b>		
Sex <b>M</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
Scars, Marks & Tatoos			Clothing			Gang		Set	
Occupation		Employer		OLN		ST	SSN	AFIS#:	

Additional Alias: Last Name First Name MI Moniker  
**HAUK JIM**

Association: <b>CONTACTED</b>		Last, First Middle <b>HAUK, VICKI M</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Home 253/858-2545	
Address <b>11725 122 AV KP N</b>			City <b>GIG HARBOR</b>			ST <b>WA</b>	Zip <b>98329</b>		
Sex <b>F</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
Scars, Marks & Tatoos			Clothing			Gang		Set	
Occupation		Employer		OLN		ST	SSN	AFIS#:	

Association: <b>CONTACTED</b>		Last, First Middle <b>HUTTO, MIKE</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Cell 206/883-7518	
Address			City			ST <b>WA</b>	Zip		
Sex <b>M</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
Scars, Marks & Tatoos			Clothing			Gang		Set	
Occupation <b>MGR-LOSS PREVEN</b>		Employer <b>NORDSTROM</b>		OLN		ST	SSN	AFIS#:	

Association: <b>CONTACTED</b>		Last, First Middle <b>LOE, JADE K</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Home 772/465-3341	
Address <b>2820 LUCY LN</b>			City <b>FT PIERCE</b>			ST <b>FL</b>	Zip <b>34981</b>		
Sex <b>F</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
Scars, Marks & Tatoos			Clothing			Gang		Set	
Occupation		Employer		OLN		ST	SSN	AFIS#:	

Association: <b>CONTACTED</b>		Last, First Middle <b>LOE, NANCY L</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Home 253/334-1405 Work 253/804-6166 Cell 253/334-1405	
Address <b>21027 109 PL SE #224</b>			City <b>KENT</b>			ST <b>WA</b>	Zip <b>98031</b>		
Sex <b>F</b>	Race <b>W</b>	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
Scars, Marks & Tatoos			Clothing			Gang		Set	
Occupation <b>CUSTOMER SERVIC</b>		Employer <b>LIVE BRIDGE</b>		OLN		ST	SSN	AFIS#:	

Association: <b>CONTACTED</b>		Last, First Middle <b>MAIN, CASSANDRA</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Cell 206/992-1182	
Address			City <b>WA</b>			ST <b>WA</b>	Zip		
Sex <b>F</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
Scars, Marks & Tatoos			Clothing			Gang		Set	
Occupation		Employer <b>NORDSTROM</b>		OLN		ST	SSN	AFIS#:	

Association: <b>CONTACTED</b>		Last, First Middle <b>MATHIS, DIANE</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Work 210/282-8312	
Address			City <b>SAN ANTONIO</b>			ST <b>TX</b>	Zip		
Sex <b>F</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
Scars, Marks & Tatoos			Clothing			Gang		Set	
Occupation		Employer		OLN		ST	SSN	AFIS#:	

Association: <b>CONTACTED</b>		Last, First Middle <b>MURPHY, TIM</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Work 206/246-9700	
Address <b>15026 1 AV S</b>			City <b>BURIEN</b>			ST <b>WA</b>	Zip <b>98148</b>		
Sex <b>M</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
Scars, Marks & Tatoos			Clothing			Gang		Set	
Occupation		Employer		OLN		ST	SSN	AFIS#:	

Association: <b>ASSOCIATE</b>		Last, First Middle <b>LOE, WILLIAM RANDOLPH</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Home 772/465-3341	
Address <b>2820 LUCY LN</b>			City <b>FT PIERCE</b>			ST <b>FL</b>	Zip <b>34981</b>		
Sex <b>M</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
Scars, Marks & Tatoos			Clothing			Gang		Set	
Occupation		Employer		OLN		ST	SSN	AFIS#:	
Additional Alias: Last Name <b>LOE</b>		First Name <b>RANDY</b>		MI	Moniker				

Association: <b>OTHER</b>		Last, First Middle <b>EVLAY, SARA</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Work 425/746-7200	
Address <b>FACTORIA SQUARE</b>			City <b>BELLEVUE</b>			ST <b>WA</b>	Zip		
Sex <b>F</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
Scars, Marks & Tatoos			Clothing			Gang		Set	
Occupation <b>SUPERVISOR</b>		Employer <b>NORDSTROM RACK</b>		OLN		ST	SSN	AFIS#:	

Association: <b>OTHER</b>		Last, First Middle <b>GORDHAMER, LEE</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Home 253/582-6375	
Address <b>8014 75 ST SW</b>			City <b>LAKWOOD</b>			ST <b>WA</b>	Zip <b>98498</b>		
Sex <b>F</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
Scars, Marks & Tatoos			Clothing			Gang		Set	
Occupation		Employer		OLN		ST	SSN	AFIS#:	
Additional Alias: Last Name <b>GORDHAMER</b>		First Name <b>ELIZABETH</b>		MI	Moniker				

Association: <b>OTHER</b>		Last, First Middle <b>HIGGINS, LINDA</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Home 253/677-9280	
Address			City			ST <b>WA</b>	Zip		
Sex <b>F</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
Scars, Marks & Tatoos			Clothing			Gang		Set	
Occupation		Employer		OLN		ST	SSN	AFIS#:	

Association: <b>OTHER</b>		Last, First Middle <b>LAWRENCE, KEN E</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Work 253/833-9111 X4852	
Address <b>12441 SE 59 ST</b>			City <b>BELLEVUE</b>			ST <b>WA</b>	Zip		
Sex <b>M</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
Scars, Marks & Tatoos			Clothing			Gang			Set
Occupation		Employer		OLN		ST	SSN	AFIS#:	

Association: <b>OTHER</b>		Last, First Middle <b>LOE, LINDA B</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Home 772/465-3341	
Address <b>2820 LUCY LN</b>			City <b>FT PIERCE</b>			ST <b>FL</b>	Zip		
Sex <b>F</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
Scars, Marks & Tatoos			Clothing			Gang			Set
Occupation		Employer		OLN		ST	SSN	AFIS#:	

Association: <b>OTHER</b>		Last, First Middle <b>MARTIN, SUSAN</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Home 509/886-1396	
Address			City			ST <b>WA</b>	Zip		
Sex <b>F</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
Scars, Marks & Tatoos			Clothing			Gang			Set
Occupation		Employer		OLN		ST	SSN	AFIS#:	

Association: <b>OTHER</b>		Last, First Middle <b>POWELL, ROBERT</b>				Interpreter Needed <input type="checkbox"/>		Phone Numbers: Cell 206/369-7713	
Address			City			ST <b>WA</b>	Zip		
Sex <b>M</b>	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair	
Scars, Marks & Tatoos			Clothing			Gang			Set
Occupation		Employer		OLN		ST	SSN	AFIS#:	

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<b>VEHICLE SECTION</b>							
<b>VICTIM Vehicle</b>							
Vehicle Association	License	State	Year	Make	Model	Style	Color
<b>VICTIM</b>	<b>739XBP</b>	<b>WA</b>	<b>2007</b>	<b>HONDA</b>	<b>ELEMENT</b>	<b>SUV</b>	<b>BLU</b>
Features					VIN		
					<b>5J6YH28767L006977</b>		
Registered Owner Name				Registered Owner Address			
<b>RIDER, TANYA/TOM LEE/M</b>				<b>350 E BRIDGER LN SHELTON, WA</b>			
Legal Owner Name				Legal Owner Address			
<b>USAA FEDERAL SAVINGS BANK,</b>				<b>PO BOX 660986 SACRAMENTO, CA</b>			
Vehicle Disposition (If towed, list towing company, address)			Hold	Reason For Hold			
			<b>No</b>				
Stolen Vehicle <input type="checkbox"/>	Divorce In Progress <input type="checkbox"/>	Payments Overdue <input type="checkbox"/>	Keys In Ignition <input type="checkbox"/>	Estimated Value	Radio Notified Clerk	Date	Time
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Recovered Vehicle Condition (damage, items stripped, etc.)			Other Agency/Case Number		Owner Notified By	Date	Time
<b>MO</b>							

Suspect Trademarks:

Instrument:

Entry Point:

Entry Method:

Premises Type	Locked <input type="checkbox"/>	Occupied <input type="checkbox"/>	Total Property Cost:
<input type="checkbox"/> Aid Req <input type="checkbox"/> Weapons <input type="checkbox"/> Injury <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer <input type="checkbox"/> Dom Viol <input type="checkbox"/> Drug <input type="checkbox"/> Juvenile <input type="checkbox"/> Gang			

**Reporting Officers Entries Associated with this Case Follow-up Report:**

**Monday 09/24/07**

**8:58**

Tried running victim and the associated vehicle license number through SeaKing, WACIC, NCIC, and DOL. SeaKing came back clear, but the LOCQ responses did not come back from WACIC, NCIC, nor DOL. (There is apparently a temporary paper license in the window, but then later the RP said last time he saw the vehicle, it had the listed actual license plates on it)

**Monday 09/24/07**

**9:01**

Called victim's cell phone, unblocking my number. I let it ring for a full minute, with negative results - no answer, no voice mail, no outgoing message.

**Monday 09/24/07**

**9:05**

Called the home/cell number for RP. He said he is at work, because he cannot just sit home and wait. RP said he has not heard from victim. RP said he obtained the temporary tag on the vehicle: 923836. But when I asked if the actual metal license plates are on the vehicle, he said yes, last time he saw it. When asked who victim's best friend is, RP said victim has no friends, due to her depression. RP said victim is "afraid of everyone except me." He said he is "big and ugly, but for some reason" victim likes him. RP said he and victim have been together for about 15 years (victim would have been 18 YOA) and married for 8 years. RP said victim does not speak to her family anymore, and last spoke to any of them about 3 years ago. I asked for relatives' names and contact info anyway. RP said the only one he knows is victim's grandmother, "LEE/LEIGH GORDONHAMMER" (later turns out to be "GORDHAMER").c He did not have the spelling nor phone number, and said he struggled to just recall her name. He said he does not have her address nor phone number, but had gone by the house. He said victim's grandmother said she has not heard from victim. He said victim's family constantly told her what to do and how to live, and victim was so fed up that she cut all ties with family. He said victim had a falling out with her father years ago, and has not spoken to him since. I asked who sees victim for

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depression or who diagnosed her. RP said victim handles it herself, eating health foods and avoiding pesticides. RP said victim has paychecks sitting around she has not cashed. He said victim's bank is USAA, of which he does not have access. He said victim's VISA card is a Nordstrom VISA, of which he also is not on the account. RP said victim does not hang out anywhere. RP said he wants me to get photos he has of victim, so I provided my e-mail address. I told RP I would request the victim's DOL photo as well. RP responded that the photos he has would be better, because victim's hair is hanging in her face in her DOL photo. He hesitated and said victim may have gotten a new drivers license since then, though. RP asked if I saw Q13 news last night, ask victim's missing person story was on there. I asked if anyone is at their home or will call him if victim shows up while he is at work. He said he would know if victim shows up. When I asked him how, he said if victim came home and packed anything, he would notice. (what he didn't state is he works at the same development they live in)

**Monday 09/24/07**

**9:13**

Called Fred Meyer in Bellevue, where victim reportedly works and where she was last seen. I spoke to "CHRIS" in Security. He said he viewed the surveillance video from the Fred Meyer parking lot, and victim is clearly visible, entering her vehicle and driving away. He said he barely knows who victim is, due to their opposite shifts, but is aware of her and this case. He said victim's supervisor, ROXANNA DRESSLER confirmed it was victim on the tape. CHRIS said he has not spoken to the RP, but ROXANNA did, and she relayed to him that the RP gives varying accounts of when he last had contact with victim. He referred to victim stocking shelves, so I asked what her job entails. He said she is a freight stocker (the incident report says loss prevention). CHRIS then referred me to ROXANNA DRESSLER. ROXANNA said victim has only worked there for 2-3 weeks, and seemed happy. ROXANNA said even though it was a short period, she doesn't think not showing up for work is like victim. ROXANNA said if victim was as little as 5 minutes in returning from a break, victim would tell her/ROXANNA about it. ROXANNA said she doesn't recall meeting victim's husband/RP. She said the RP did not know victim was missing until she/ROXANNA called him. ROXANNA thought victim had not arrived at work possibly due to "hardship", because she works graveyard shift. ROXANNA said she called the RP at 0700 hours on Friday, 09-21-07, to see if victim slept in. She said RP said he didn't know victim did not go to work as scheduled that date (at 0000 hours). She said she noted some "discrepancies" in the information RP gave. ROXANNA said victim was due to start at 0000 hours on 09-21-07, but was not there. The last time Fred Meyer staff saw her leave was 09-20-07, about 0900-0930 hours, after her shift from 0000-0900 hours. ROXANNA said first RP told her he had not seen victim since 09-20-07, then said since 09-19-07. ROXANNA said she questioned RP about that, and his response was he and victim work opposite shifts. ROXANNA said she told RP that when she and her husband did, they at least saw each other during the end and beginning of each of their respective shifts. ROXANNA said RP said he and victim don't run into each other at home like that. ROXANNA said victim seemed fine and made no comments about problems at home. She did not know if victim has any friends, and did not know anyone victim particularly hit it off with at work. She also confirmed victim works in the Health & Beauty Department, stocking shelves. I asked if she ever noted any injuries to victim, such as bruises or scratches. ROXANNA said no, but in retrospect, she noticed victim always wore long sleeves and buttoned up collars. She said victim wore glasses, but none that were tinted. I asked about the video tape of victim in and leaving the parking lot. ROXANNA said a police officer already picked it up. I asked if she knows who, but she did not, nor which agency.

**Monday 09/24/07**

**9:19**

While on the phone with ROXANNA DRESSLER, RP left voice mail. RP said in the message that he is not very good at sending photos via e-mail and his computer is slow, so he wants me to access the e-mail account. He said victim's e-mail address (but wonder if he left the "a" out of the 1st word: serchfortanya@hotmail.com, and the password is "suncatcher".

**Monday 09/24/07**

**9:24**

Ran Xref #07-284605 in IRIS. No record.

**Monday 09/24/07**

**9:25**

Ran this and the Xref #07-284605 incident numbers in CAD. No indication the video tape was picked up at Fred Meyer in Bellevue by KCSO. The Xref number shows Deputy C. CROSS responded to RP's home. No further details.

**Monday 09/24/07**

**9:27**

Ran RP in IRIS. Found other entries, such as victim of burglary. Noted no assault nor DV reports.

**Monday 09/24/07**

**9:29**

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Ran RP in SeaKing, WACIC, NCIC, and DOL, but LOCQ's still not coming back, not even from when I ran victim earlier. No record of RP ever being in the King County Jail.

**Monday 09/24/07 9:36**

Ran victim in DISCIS. Her most current update is May 2006. Her address at the time was listed as 7416-1/2 Custer Rd W #4, Lakewood.

Ran RP in DISCIS. His most recent entry is from 1999. RP has numerous traffic, criminal trespass, and FTR. No DV's listed.

**Monday 09/24/07 9:40**

Looked up USAA Federal Security Bank on the Internet, and then called: 1-800-531-2265. In going through the steps of their automated system, I was given victim's available savings balance: \$64,062.00. I eventually spoke to "AMY". She confirmed victim is the only person on her bank account. AMY checked with their security department, who told her they cannot verify who I am nor that victim is reported missing, so they declined to provide me with any information regarding victim's account. I asked if they would consider releasing information if I fax a request on letterhead and provide out website address. AMY said to try it and fax it to: 1-800-531-5717.

**Monday 09/24/07 9:46**

The LOCQ's came back for victim and RP. Victim is/is still entered as missing. The vehicle is only shown by VIN, not the plate listed nor the temporary paper version. RP has possible criminal history, showing SID number of WA18788921.

**Monday 09/24/07 10:08**

RP called, wanting to know if I got victim's photos from their e-mail account yet. I told him no, that I am working on another part of the follow-up. I asked which company victim's cell phone is through. He said Verizon.

**Monday 09/24/07 10:14**

Acting MRO, Deputy R. CHINNICK called. He is receiving media inquiries, specifically from staff at Q13 News. I told him I have no update at this point.

**Monday 09/24/07 10:27**

Typed, then faxed a request for victim's bank activity to USAA Federal Security Bank: 1-800-531-5717.

**Monday 09/24/07 10:29**

Called Verizon Wireless. Waited on hold for some time to speak to a representative. While listening, the outgoing message said they will not release information without a subpoena nor court order. Disconnected after holding for 5 minutes.

**Monday 09/24/07 10:35**

Ran "Nordstrom VISA" in Yahoo. The only contact number: 888-282-6060. Called there. I eventually spoke to "LISA". She said the Credit Department's phone number is 800-964-1800, and she transferred me. I spoke to "AMANDA" in that department. She said victim is the only one with access to this account and the last activity on victim's VISA card was 09-20-07 at 1000 hours PDT. She reviewed the charges and said the charges fit victim's usual pattern, and were small, such as for coffee, groceries, and gas. She flagged victim's account to notify me if there are any further charges.

**Monday 09/24/07 10:44**

Acting MRO, Deputy R. CHINNICK called. He said the PIO at Bellevue PD, GREG GRANNIS, confirmed they have the video of victim leaving Fred Meyer. He said PIO GRANNIS said he will look into getting that video to KCSO.

**Monday 09/24/07 11:06**

Called victim's cell phone, unblocking my number. I let it ring for 2 minutes this time. This time I received an outgoing message that only said the caller is not available at this time. No voice mail.

**Monday 09/24/07 11:27**

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Called Precinct #3 to find out if Deputy C. CROSS is working 2nd Shift today. The clerk said he is actually working right now.

**Monday 09/24/07 11:28**  
Looked up Deputy C. CROSS' cell phone number and pager in IRIS. Called both, leaving voice mail and paging him.

**Monday 09/24/07 11:31**  
Looked up the F Districts for the last 2 hours. Found Deputy CROSS is currently out on a DV in-progress call.

**Monday 09/24/07 11:33**  
Looked up LEE/LEIGH GORDONHAMMER in IRIS, DISCIS, the White Pages website, and Accurint, all with negative results.

**Monday 09/24/07 11:36**  
Ran victim in Accurint, expanding on her and her old addresses, trying to locate a relative. Found she has moved numerous times and has an alias last name of LOE. Found no obvious relatives. Added LOE to her personal data in IRIS.

**Monday 09/24/07 12:03**  
Tried running GORDON and HAMMER separately in Accurint for this state, thinking RP possibly was mistaken in the last name for victim's grandmother. Found none obviously connected with victim.

**Monday 09/24/07 12:05**  
Bellevue PD PIO GREG GRANNIS called. He said he confirmed the video of victim in and leaving the Fred Meyer parking lot was picked up by one of their officers, but he does not know it's exact location. That officer works tomorrow, so he will get that information then and call me.

**Monday 09/24/07 12:10**  
Called victim's cell phone again, with the same result. Again unblocked my number.

**Monday 09/24/07 12:12**  
Tried sending a text message to victim's cell phone using her phone number and "verizon.net".

**Monday 09/24/07 12:17**  
Ran Triple I on RP using his SID number. The only response was a driving while license suspended in 1997.

**Monday 09/24/07 12:18**  
Received e-mail back that the message I attempted to victim's cell phone did not go through.

**Monday 09/24/07 12:36**  
Deputy C. CROSS returned my call and page. He said he knows RP from contacts at work. Deputy CROSS said RP's night watchman job site is at the housing development he checks out while on patrol. He said RP does not seem to be acting out of the ordinary. The only thing that stood out was RP offered to let him search the house. Deputy CROSS said he went to RP's home when dispatched to follow-up on this case. He said the home is brand new. He also said there is almost nothing inside, such as very little furniture. He said there is women's clothing in the closets. There was no obvious sign of a struggle in the house. He said RP told him that victim has money of her own. Deputy CROSS did not know of any relatives of victims, but said RP said victim has some she is not in contact with, he believes in Seattle and Tacoma.

**Monday 09/24/07 12:57**  
MRO Deputy CHINNICK called for any updates. He said Fox News in Los Angeles is now calling. I told him I have nothing to relay to the media.

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**Monday 09/24/07 13:09**  
Called victim's cell phone, again unblocking my number, and with the same result.

**Monday 09/24/07 13:17**  
Still no response from USAA Bank, so called, using their automated system. Found victim's checking balance is \$255.89. Her activity from today back to the day she was last contacted on:  
09/24/07 (today) Debit withdrawal of \$7.58  
09/20/07 ACH payment of \$439.66  
09/19/07 Debit withdrawal of \$685.23  
09/19/07 Debit withdrawal of \$7.34  
09/19/07 Debit withdrawal of \$4.69  
09/19/07 ACH payment of \$99.81

**Monday 09/24/07 13:22**  
Called RP's home/cell phone. Left voice mail asking for a call back.

**Monday 09/24/07 13:31**  
E-mailed request to DOL for victim's photo.

**Monday 09/24/07 13:37**  
Received victim's DOL photo. Victim's hair is not in her face, as RP said earlier.

**Monday 09/24/07 13:38**  
E-mailed victim's DOL photo to acting MRO Deputy CHINNICK, should it be needed for a media release.

**Monday 09/24/07 14:19**  
RP returned my call. I asked if victim has made any major purchases lately. (wondering about the \$685.23 debit charge on the day she was last contacted). He knew of none, except victim purchased some basic clothing for her new job at Fred Meyer. What he described a couple each of pants, tops, and underwear, did not sound like that large of a purchase. He said victim pretty much only shops at Nordstrom Rack for clothing. He said he has always paid the bills, but now that victim is earning money, she planned to pay her own. I asked when their vehicle was purchased, and RP said 08-30-07. I asked if he has located the correct spelling and phone number for victim's grandmother. RP said it is ELIZABETH "LEE" GORDHAMMER at 253-582-6375.

**Monday 09/24/07 14:22**  
Called LEE GORDHAMER's home. Left voice mail asking for a call.

**Monday 09/24/07 14:23**  
Ran LEE GORDHAMER's phone number in IRIS, with negative results.

**Monday 09/24/07 14:24**  
Ran LEE GORDHAMER's phone number in the White Pages website. She lives in Lakewood. Added her to IRIS.

**Monday 09/24/07 14:27**  
Using the e-mail address and password RP gave me to obtain victim's photos, opened his account and viewed those photos. There are 3 photos, none of which are any use regarding dissemination. The first photo is a male (RP?), with only a part of one side of the victim's face on the very edge of the photo. The second is a male again, with victim off to the side, standing sideways. The third is victim kneeling down with her face aimed toward the floor, and the photo taken from above her to one side.

**Monday 09/24/07 15:00**  
Called Port of Seattle PD. Victim's vehicle is not at the SeaTac Airport Garage.

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**Monday 09/24/07 16:07**

NANCY LOE, victim's mother called. NANCY said she is always telling victim what to do, and doesn't understand why victim doesn't follow her advice. She said she has heard nothing from victim for at least a year and a half. She said victim and RP lived in a trailer in Tacoma, then suddenly moved out with no word. She said she found out later that RP and victim had a house built in Maple Valley. She said the last time she spoke to victim and asked victim why she is out of contact, victim told her she doesn't want to talk to her/NANCY's mother (victim's grandmother), LEE GORDHAMMER. NANCY said victim said her grandmother LEE/NANCY's mother "makes her want to die." NANCY then said, "My mother does that to everyone." NANCY said victim also got in a fight with other family members, so she cut off contact with everyone. NANCY said she has moved herself twice since she last spoke to victim. She told me to tell victim she is living back in Benson Village Apartments, Unit #2424 (actually #224). NANCY said RP left victim once, after they had a big fight, but he eventually returned. She said she knows of no physical altercations between RP and victim. She also said victim has no friends, but said victim mentioned a lady she befriended in Gig Harbor. No one she's spoken to knows whom this is. She said she will call the local hospitals.

**Monday 09/24/07 17:23**

LEE GORDHAMMER returned my call, leaving voice mail.

**Tuesday 09/25/07 8:52**

RP called to see if there were any updates. I told him not yet.

**Tuesday 09/25/07 9:20**

Called USAA Federal Security Bank: 1-800-531-2265, and checked victim's checking account through the automated system. Found a phone transfer was made yesterday, transferring \$1,000 from savings to checking. Her checking balance is now exactly that amount more than last time I inquired.

**Tuesday 09/25/07 9:25**

Left voice mail for MRO Deputy CHINNICK that there was a phone transfer of \$1,000 yesterday from victim's savings to checking. I also reiterated the victim's bank verified yesterday that she is the only one with access.

**Tuesday 09/25/07 9:50**

"KEVIN" called from KING TV News. He asked if I was aware of the \$25,000 reward the RP says he is announcing today to people in Tacoma. KEVIN said he spoke to RP this morning and that is what RP stated. KEVIN said he tried reaching the MRO and left voice mail. I told him I am updating MRO Deputy CHINNICK.

**Tuesday 09/25/07 10:35**

A. SIEGRIST, Comm Center, called. He said he was somewhat alarmed by RP's demeanor and verbiage when he called the Comm Center on Saturday (09-22-07) around 1300-1330 hours. He said the RP argued about calling local jails before filing this report and the RP made the comments that 'because she's dead' and 'I know she's dead'. A. SIEGRIST said RP said he was going to call the media and expose how inept the KCSO is in dealing with missing person cases.

**Tuesday 09/25/07 11:38**

NANCY LOE called. She wanted any update. I explained I have nothing to report, due to privacy laws, but I have not spoken to victim yet. NANCY started covering all the highways victim could have taken between Bellevue and Maple Valley, so I told her I am aware of those routes. NANCY then started repeating what she told me yesterday, so I told her I documented it and only need new or updated information.

**Tuesday 09/25/07 12:00**

Called victim's cell phone again. This time instead of ringing for a long period, it went to an automated message after 2 rings. It said that customer cannot be reached at this time. Still no voice mail.

**Tuesday 09/25/07 12:08**

Sent another text message to victim via the Verizon Wireless website. It also shows messages can be sent to the cell number with "@vtext.com" after.

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**Tuesday 09/25/07 12:14**

Sent another message to victim's cell phone, using my e-mail to "3604636577@vtext.com".

**Tuesday 09/25/07 12:30**

Sent text message to victim's cell phone via Verizon Wireless on the Internet: [https://text.vzw.com/customer\\_site/jsp/messaging\\_lo.jsp](https://text.vzw.com/customer_site/jsp/messaging_lo.jsp)  
I asked her to call to let me know if she is okay. Checked the status a few minutes later, while on a call, and found it was sent and delivered at 1230 hours also. Sent it with "urgent" status.

**Tuesday 09/25/07 12:50**

MARK GORDHAMER, victim's uncle, called. He said he is victim's mother NANCY LOE's brother. MARK said he nor many other family members have spoken to victim in years. He asked if anyone has contacted victim's father, to find out if he has heard from victim. I asked for the father's name and where he lives. MARK said his name might be \*TIM LOE, and he lives somewhere in Florida. I relayed I didn't have the father's name, there is no tip indicating victim is with her father nor in Florida, and I have been told victim is not in contact with him. I relayed family should contact other family, to see if they have heard from victim. He said a lot of their family no longer speaks to each other. He said he found a picture of victim's type of vehicle on the Internet. I declined to have him send it to me. He wanted to know if Q13 News could put a better picture of victim on their broadcasts. I told him Q13 is who to contact, that we did not release anything involved in this case to them. \*later told by RP that it is ROGER LOE

**Tuesday 09/25/07 12:57**

Re-faxed request to USAA Bank again. Used the same letter as yesterday, but added: "\*\*\*2nd Request\*\*\* Missing Person Investigation" to the top right side of the page and changed the date in pen to today. Received verification at 1259 hours that the fax went through successfully.

**Tuesday 09/25/07 14:23**

Received a Communications Center Telephone Tip Sheet via inter-office mail. It was a tip received 09-23-07 at 2230 hours from a SUSAN MARTIN, with an Eastern WA phone number. SUSAN reported that she saw a blue Element with a temporary plate at the Fred Meyer Store in Wenatchee, on 09-23-07 at approximately 1800 hours. She did not see anyone associated with the vehicle. (unable to get victim's bank to respond, so don't know if any of the activity on her account could be linked)

**Wednesday 09/26/07 8:24**

MIKE HUTTO called. He said he is the loss prevention manager at Nordstrom. He said victim had been working at the Factoria Nordstrom Rack as a fitting room attendant, so basically involved in loss prevention. He said victim worked there for 2.5 weeks, was due to work next on Thursday, 09-20-07, but didn't show up. Nor did victim show up for her next work day, 09-21-07. MIKE said victim had not really made any friends since starting recently, but got along with co-workers. He did not know victim's past work history. MIKE said he spoke to the HR manager there about her interview when victim was hired. MIKE said the HR manager said when she asked victim what her most important part of her life is, victim stated her husband/RP. MIKE said the HR manager said victim described her relationship with RP as a strong relationship and him as her soul mate.

**Wednesday 09/26/07 8:31**

Called USAA Federal Security Bank: 1-800-531-2265, and checked victim's checking account through the automated system. Found one new debit charge posted today, for \$20.

**Wednesday 09/26/07 8:38**

RP called asking for any updates. RP volunteered that he does have access to the USAA bank account after all, by stating he transferred \$1,000 to cover any money victim might be spending via debit. I told him when I asked the other day he said he doesn't have access to that nor the victim's VISA. RP said he misunderstood, likely because he is so exhausted. RP said he does not have access to the victim's VISA. RP said victim runs all the finances for them, and he hands money over to her. RP said all he knows how to do is check the bank balance over the phone, when I asked if he has been checking for activity. RP said there are 3 checkbooks at the house, and he is unsure which book is for which account, again because victim handles all the money. He said victim paid all the bills just prior to going missing. I told

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him USAA bank is not responding to my requests for information on their account activity. RP said he will contact them and ask they grant me full access. I said I want to go over my question regarding the vehicle plate then too, and re-asked about the permanent metal license plate. RP said those are still at the dealer, because victim went missing prior to them obtaining the plates. I asked if he knows of anyone whom victim may know or visit in E. WA. He did not. I asked about Gig Harbor. RP said JAMES and VICKI HAUK are friends there, and supplied their phone number. RP said VICKI HAUK is who provided him with the victim's photos. He said victim hates having her photo taken, and those were the only ones he knows of. He again said he and victim did not fight before she left. RP said they have had fights and have had times where things seemed a lot worse than how things were going now, and she didn't leave so he wouldn't expect it now. RP said it upset him a lot when he called victim's cell phone and now it only rings twice, then he gets the outgoing message victim is not available. He said he told the media that he is putting out a reward offer. He also said he is distributing flyers, via sub-contractors at his work. RP said he doesn't want KCSO to bother getting any warrants to search anything, that he will give access to anything detectives want. RP said he is concerned they will spend time trying to eliminate him as a suspect, instead of trying to locate victim.

**Wednesday 09/26/07 9:02**

Called the MRO Office. Left voice mail for Deputy CHINNICK regarding the victim's bank activity. I said the bank and RP both gave incorrect information when they said only victim is on the USAA account, and that the activity after victim went missing is by RP.

**Wednesday 09/26/07 9:29**

Called Nordstrom VISA: 800-964-1800. "RUSS" looked up the victim's VISA account. He said the last activity is still 09-20-07 at 1000 hours. I asked if he is willing to tell me where the card was used. He told me at Whole Foods in Bellevue, and then a Shell gas station in Bellevue - although the address was not listed.

**Wednesday 09/26/07 9:37**

Deputy CHINNICK called. He said to let him know if I want a media release done and I said I do. We discussed the victim's vehicle and determining if there is 1 or more shades of blue 2007 Honda Elements. We researched on the Internet, only finding 1 blue, called Atomic Blue. He will call Bellevue Honda and I will call Burien Honda to verify that.

**Wednesday 09/26/07 9:50**

Called Burien Honda and spoke to salesman TIM MURPHY. He only knew of 1 shade of blue Element and verified with the manager there was only 1.

**Wednesday 09/26/07 9:52**

RP called. He said he asked USAA to give me access to his and victim's account. He said they declined, and he had a difficult time just getting him to release the account information to him. RP said he was told that he has not signed up for automated access, so they did not want to release info to him. He wanted to deliver the bank statements to me as e-mailing is not possible at this time. I asked him to fax them. I asked how I will know which are his and which are victim's transactions. RP said the bank can divide them, because that is how victim knows who charged what. I asked if their vehicle's paint is standard stock or if they had a customized paint job. He said no, it is the Atomic Blue. RP also said the Element has silver running boards, a satellite antenna on back, and alloy rims.

**Wednesday 09/26/07 9:56**

Called Deputy CHINNICK in the MRO Office. Updated him on what RP told me of the Element's description. He found pictures on the Internet and also verified there is one blue color for 2007 Elements.

**Wednesday 09/26/07 10:05**

Received the bank statements faxed by RP. Found activity on them that RP already acknowledged he had done.

**Wednesday 09/26/07 10:06**

The \$685.23 charge I wanted to know about yesterday, is listed as posted on 09-19-07 to Low Rents West. Looked that up on the Internet. It is a heavy equipment rental company in Olympia.

**Wednesday 09/26/07 10:08**

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Called RP on his home/cell phone. Went over some of the charges on the bank statement. I asked what the Lew Rents West charge is for (the \$685.23 charge). RP said he rented an excavator to use on their property in Shelton. RP said he went there to see if victim went there, with negative results. RP said there is only a shack on the property at this time. RP offered to let KCSO search the shack and property. Three times in the conversation, RP said no warrants are needed to search anything, that he will allow access to anything that would help find victim or clear him as a suspect. We went over the other charges on the USAA account, from the time victim went missing. The RP said all the charges are from him. I asked about the debit charges. He said the ones on 09-19-07 are from when he got food and tea for victim from Taco del Mar and Starbucks. RP said the charges for him were in the last 2 days, for a 6 pack of some kind of "fruity" alcoholic beverage and gas. RP said he would go get victim food and beverages and bring them to her, because they have no refrigerator yet. RP said he will get \$200 cash from an ATM, then not create more activity without informing me, so I may monitor their account activity. RP volunteered that the large amount of money in the bank is from an inheritance he received. He said he gave that money to victim, so she could open a USAA bank account, because the interest rate is better. RP said victim had grandparents in the military, so she was able to open the account. I asked if there is any possibility that victim would go visit her father in Florida. RP said not that he would presume, due to their lack of relationship. RP said victim's father is RANDY LOE (not TIM, as victim's uncle thought). RP said RANDY was an absentee father, whom victim tried to establish a relationship with about 4-5 years ago. RP said about 1.5 years ago, he and victim flew to Florida to visit RANDY in Fort Pierce, after RP said he lectured RANDY about at least attempting to have a decent relationship with victim. But RP said when they got there, RANDY took them to a little motel, rather than his home, and treated them poorly. He said due to victim's depression, RANDY took out a life insurance policy on her. RP said RANDY made it clear that he somewhat expected victim to commit suicide. He does not have RANDY's phone number, but said he owns his own painting business, probably called RANDY LOE's Painting.

**Wednesday 09/26/07 10:27**

Called victim's cell phone again, unblocking my number. After 2 rings I got the recorded outgoing message that the subscriber is not available.

**Wednesday 09/26/07 10:30**

Received the media release Deputy CHINNICK e-mailed to me, which he will be sending out. He included photos of a vehicle similar to victim's and her DOL photo.

**Wednesday 09/26/07 10:33**

Called Lew Rents West in Olympia: 1-888-357-3314. I spoke to "JESSICA", who looked up the RP's rental history. She said RP reserved an excavator on 08-31-07, it was delivered to 350 E. Burkdale Lane, Agate area, Shelton on 09-01-07, and RP called to have it picked up on 09-02-07 at 1436 hours. JESSICA said Lew Rents staff did not actually pick it up until 09-05-07. She also had notes of when she spoke to RP and when she tried to call the victim on her cell phone. She said RP told her victim would call in with their debit card number, so they could be billed. JESSICA said the victim did not call, so she called the RP, who gave her victim's cell phone number and said to call victim. JESSICA said she placed that call to victim's cell phone on 09-07-07 at 0913 hours. She said it rang a long time, but no voice mail came on. She said she called victim's cell phone again on 09-13-07, with the same result. JESSICA said she then called the RP on 09-17-07, informing him she is unable to reach victim and that his rental bill needs to be paid. She said on 09-18-07 RP called and provided their debit card number, because victim never called. (it posted on their account the next day)

**Wednesday 09/26/07 11:19**

Deputy CHINNICK called. He said KING News said they will be airing a story on victim tonight.

**Wednesday 09/26/07 11:22**

NANCY LOE called. She started going over the routes victim could have driven from Bellevue to Maple Valley again. She said to help find victim she is watching TV to see if there are any stories on her disappearance and going to hand out flyers in the Fred Meyer - Bellevue area.

**Wednesday 09/26/07 11:30**

Called the HAUKE home. JAMES "JIM" answered, but VICKI kept making statements in the background for him to relay to me, so I asked him to put her on the phone first. VICKI started by saying victim "has a big problem". VICKI said victim "has very great difficulty communicating with anyone." She said victim and RP lived at their home for about 6 months, and victim rarely spoke to them. VICKI said they met victim and RP when RP was putting siding on the home she and JIM were having built about 5 years ago. VICKI said victim seemed in such bad physical pain and emotionally distraught,

that RP clearly did not want to leave victim alone. She said RP brought victim to work with him, to keep an eye on her and to cater to victim. VICKI said at that time, RP told them victim had a car accident and was in pain. She said in 6+ months, she thinks they saw victim twice when she spoke to them. VICKI said victim is a "complete isolate". VICKI said victim objects very strongly to being photographed, and the photos I saw at RP's e-mail were supplied by her/VICKI. VICKI said victim won't seek any kind of medical help, and thinks she is handling her mental illness through what she eats. VICKI said what she and JIM witnessed, looks like victim is severely Bi-Polar and has manic episodes. VICKI said RP doesn't discuss victim nor her problems much, and won't take any help. Repeatedly, VICKI said RP dedicates his life to trying to keep victim happy and to keep victim from having to be institutionalized. VICKI said victim has never gone missing, that they know of, nor is there any known DV history. VICKI said although victim herself has not gone missing, victim has "sent" RP away. She said 3-4 nights a week after they moved out, RP spent the night with her/VICKI and JIM. VICKI said victim wants so badly to be alone, that she stays home, but tells RP to leave - which RP does. VICKI said victim is very "demanding" and expects RP to drop everything when she calls. She said victim demands to know where RP is and whom he is with at all times. One example VICKI gave is when victim wants tea or food and RP is at work, victim calls RP and tells him to bring her what she wants. VICKI said RP would do whatever victim asked. She again said she and JIM believe RP was doing what he could to keep victim out of a mental institution. She said victim was "fussy", especially about food. VICKI said victim can't "deal" with furniture, so they had almost none. I asked if she knows why, and VICKI said no, that was just one of victim's "quirks". She said victim is "extremely obsessive", for instance, once she decided they should buy a house. VICKI said that is why victim got 2 jobs and wanted RP to work sometimes night and day, to quickly save up enough money for them to buy that house. I asked how much of a chance she believes there is that victim will contact them. VICKI said none. VICKI said victim was jealous of the time RP spent with her and JIM, even though victim was the one to tell RP to leave their home. VICKI said just recently in the last 6-8 weeks, victim seemed to be pulling slowly out of the depression which kept her from getting up some days. She said victim slowly started speaking and seeming happier. VICKI said twice in the past, RP actually said he feared victim may attempt suicide, which was unusual for RP to bring up victim's condition. VICKI said RP graduated from a massage school and when he graduated, she and JIM went, but victim didn't even show up. VICKI said she could absolutely see victim driving off on her own to be alone, but since she is so demanding and catered to by RP, cannot see victim liking it for long. JIM HAUK then got on the phone. JIM said he accidentally called victim's cell phone 6-8 weeks ago, when he meant to call the RP's cell. He said surprising to him, not only did victim actually answer her phone, but she sounded upbeat. JIM said he and VICKI were shocked to hear victim took jobs dealing with the public, due to her avoidance of people all these years.

- Wednesday 09/26/07 12:14**  
Called Deputy CHINNICK in the MRO Office. Updated him what I have been told about victim's life.
- Wednesday 09/26/07 12:40**  
Met with Detectives S. TOMPKINS and M. MELLIS, and gave them a synopsis of this case.
- Wednesday 09/26/07 13:03**  
Called King County Crisis and Commitment. They have not committed victim by either last name "RIDER" nor "LOE".
- Wednesday 09/26/07 13:18**  
Called MIKE HUTTO's cell phone. Left voice mail asking what time victim was scheduled to work on 09-20-07.
- Wednesday 09/26/07 13:20**  
Looked up Pierce County Involuntary Commitment through Yahoo and the White Pages website. Nothing clearly shows where to call for all of Pierce County, but will try some choices.
- Wednesday 09/26/07 13:24**  
Called Western State Hospital. They have not housed victim by either last name "RIDER" nor "LOE".
- Wednesday 09/26/07 13:25**  
Called Crisis Triage in Pierce County. They have not committed victim by either last name "RIDER" nor "LOE".
- Wednesday 09/26/07 13:34**  
MIKE HOTTO returned my call, asking what I need. I again said I want to know what time victim was scheduled to work

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on 09-20-07. He will find out and call me back.

**Wednesday 09/26/07 13:39**

Looked up Pierce County "Mental Health" on the Internet and called: 253-2729882. They have not committed victim by either last name "RIDER" nor "LOE". Staff said there is no central place to call in Pierce County for involuntary commitment records.

**Wednesday 09/26/07 13:47**

MIKE HOTTO called back. He said victim was scheduled to work starting at 1330 hours on 09-20-07.

**Wednesday 09/26/07 13:57**

Deputy CHINNICK called. He said the KING, KIRO, and Seattle Times websites have stories on this case.

**Wednesday 09/26/07 15:00**

Looked up RANDY LOE in the White Pages website, for Fort Pierce, FL, with negative results through business and persons. Ran him in Accurint for the entire state of FL. Only found one, who is just 9 years older than victim, so not likely her father/the right one.

**Wednesday 09/26/07 18:04**

RP left voice mail that he is now withdrawing \$200 from the ATM at the Safeway in Maple Valley, and will now stop activity so I may check for victim's activity.

**Wednesday 09/26/07 18:56**

A man identifying himself as ROBERT POWELL left voice mail. He stated he is disturbed that he could not call here and speak to a person. He said he spoke to victim's mother, who was passing out flyers, and now he wants "instruction" on how to go about looking for victim. He then left his cell phone number. He said, "I want to speak to somebody so I can figure out what the most intelligent, uh, plan of action would be to find this young lady." He said he wants a call back immediately.

**Thursday 09/27/07 8:10**

Checked the USAA statement pages RP faxed me for a Whole Foods debit use around 09-19-07 or 09-20-07, with negative results.

**Thursday 09/27/07 8:33**

Called RP on his home/cell phone. I asked when he was at and what form of payment he used when he was at Whole Foods after victim disappeared. RP said he thought he used the debit card, and that he didn't recall when he was there, that "time has no meaning." RP said he needed to pull over and pull out his wallet to see if he still has the receipt. RP then said he found it. He said the receipt said he was there 09-22-07 at 1245 hours, and that he paid by cash.

**Thursday 09/27/07 8:41**

Called Nordstrom VISA: 800-964-1800. I again spoke to "RUSS", who looked up the victim's VISA account. He said no new activity on victim's account. I asked about the Whole Foods charge at 09-20-07 at 1000 hours, asking which store (T. JENSEN told me there are 2 in Bellevue). RUSS told me the store number is 11053. I asked for the time the card was used that date at a Shell gas station in Bellevue, and the location or store number. RUSS said at 0944 hours. The address was not listed, but he said the Shell store number is 27440485509. He offered to look up the victim's activity the day prior to her going missing, in case there is something to indicate where she went. RUSS said the charges on 09-19-07 consisted of: fast food with SBS #20036-which he presumed to be Starbucks when looking at account history at 0618 hours (in Fred Meyer?), Whole Foods in Bellevue at 0921 hours, and Fred Meyer in Bellevue at 0155 hours (where she works).

**Thursday 09/27/07 8:47**

T. JENSEN had told me there were 2 listings for Whole Foods in Bellevue. I asked if one location is a warehouse, but he said the Internet did not designate. I looked in the White Pages website. I did come up with 2 listings, so went to the Whole Foods website. The website only lists the store at 888 116th Av NE, Bellevue.

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Thursday 09/27/07 8:48

Called Whole Foods at 888 116th Av NE, Bellevue: 425-462-1400. I was transferred to the Accounts Payable clerk, who confirmed that store's number is 11053. When I asked who to contact about obtaining a security tape, she said today it would likely be "JOHN".

Thursday 09/27/07 9:29

MARK GORDHAMER called. He said he gave me bad info the other day. He said victim's father's first name is "RANDY", not "TIM" as he thought. He did not have RANDY's phone number, but will ask NANCY LOW/his sister/victim's mother. He said he also wanted to relay that victim also worked at Nordstrom Rack and offered her supervisor's name and number. She is SARA EVLAY. He thought KCSO was unaware victim worked there, and thought victim had worked there for some time (actually 2.5 weeks).

Thursday 09/27/07 9:33

Gave SARA EVLAY's info to Detective TOMPKINS.

Thursday 09/27/07 9:36

P. DAVIS in the Comm Center called. She said WSP just spotted a blue Element with a temporary plate in the Mt. Baker Tunnel, but the temporary plate number is not in the victim's missing person entry. I told her I requested Data enter that in WACIC and NCIC on 09-24-07, and will ask again. In the meantime, she will update me with WSP's response. She said there was a male driving it, and they are going to do an area check to try and locate the vehicle.

Thursday 09/27/07 9:40

P. DAVIS in the Comm Center called. She said WSP found the blue Element with a temporary plate that had traveled through the Mt. Baker Tunnel. The temporary plate did not match.

Thursday 09/27/07 9:42

Called Data. Asked if it is possible to get the temporary plate entered in victim's missing person entry in WACIC and NCIC. The operator did not know. I explained I need it in there and will fax it to them. I asked that they at least add it like a permanent plate.

Thursday 09/27/07 9:45

Again faxed a request to Data, asking they add victim's temporary plate to victim's missing person entry in WACIC and NCIC.

Thursday 09/27/07 10:13

T. HUGHES in the Comm Center called. She said a man just called with a tip in this case. She said the man's name is KEN E. LAWRENCE. Ms. HUGHES said he says he used to work with victim at the Fred Meyer in Issaquah somewhere around February-April 2006. She said he told her the woman's name was MARGARET WILKENS, but she changed it when she left the East Coast for here. She said KEN told her the woman fled to the West Coast to get away from problems back east. She said KEN said while working at the Issaquah Fred Meyer, the woman supposedly received a call around March 2006 from a woman accusing her of ratting out her son, a man in jail or prison for drug use. She provided KEN's information, which I added to IRIS.

Thursday 09/27/07 10:42

Called USAA Federal Security Bank again: 1-800-531-2265. The balance is now \$1,035.85. The only new activity since I checked last time, is the \$200 withdrawal RP made last night, but apparently posted today (date given says 09-27-07).

Thursday 09/27/07 11:29

T. LOWE from the Comm Center called. He said he got a call from a woman identifying herself as LINDA HIGGINS. He said LINDA said yesterday, sometime around 1000 hours, she thinks she saw victim at the Starbucks at 19th/Mildred in Tacoma. He relayed that LINDA said the woman she saw was laying on a bench at the Starbucks. LINDA said she did not speak to the woman, but rather went into the Starbucks and told the manager/supervisor. He said LINDA stated by the time she came out the woman was not still on the bench, so she assumed the manager told the woman to leave.

**Thursday 09/27/07 11:31**  
 Looked up Starbucks on the Internet, looking for on around 19th/Mildred in Tacoma. Found one listed at 1816 S. Mildred St, phone: 253-565-0666.

**Thursday 09/27/07 11:36**  
 Called Starbucks at 1816 S. Mildred St, Tacoma, phone: 253-565-0666. I asked to speak to the manager or person in charge. I spoke to ANDRE CUSEA. ANDRE did not see the woman who was there yesterday, but knew about the incident from the shift supervisor. ANDRE said the shift supervisor gave the woman water and tried to talk to her. He said the shift supervisor said the woman appeared to have mental health issues. ANDRE looked up the log notes on the incident to provide me the times involved. He said the woman was there from around 1000-1230 hours, and the shift supervisor called 911 about 1200 hours to have Tacoma PD respond and deal with the woman. He said the shift supervisor saw Tacoma PD Officers with the woman, but got busy and did not see what happened after that. He said the woman was gone after the officers made contact with her. I asked about a vehicle, and he said there was none noted nor was the woman seen by.

**Thursday 09/27/07 11:41**  
 Called Pierce Co. S.O./Tacoma PD Dispatch. At 1144 hours I spoke to Operator #60, who looked for the CAD detail at 1816 S. Mildred St, Tacoma, yesterday around 1200 hours. He found the detail at Suite #A there, but there was no name listed for the woman nor any vehicle listed. He said the CAD showed the woman was contacted and the officers had her move on. I said I need more details from the officers. Operator #60 put me on hold to check with the dispatcher about getting one of the officers on the radio. Operator #60 said one of the officers, Officer WALSH, today Unit #F481, is working right now. He put me on hold, while he communicated with the dispatcher. At 1155 hours Operator #60 came back on and said Officer WALSH said the woman they contacted at Starbucks was extremely hard to understand when she spoke, but she claimed her name is "BETH".

**Thursday 09/27/07 11:52**  
 Deputy CHINNICK called, leaving voice mail while I was on another call, to call him.

**Thursday 09/27/07 11:58**  
 Called Deputy CHINNICK's voice mail at the MRO Office, then called his cell phone. Left voice mails at both.

**Thursday 09/27/07 12:08**  
 Deputy CHINNICK called back. He said to ask Detective TOMPKINS if the Fred Meyer surveillance tape, when received, is innocuous, if we can show it to the media to generate interest.

**Thursday 09/27/07 12:16**  
 ROXANNA DRESSLER called. She said she just had a conversation with the RP that she found strange. She said the RP is talking of holding a prayer vigil. I transferred her to Detective TOMPKINS.

**Thursday 09/27/07 12:27**  
 MARK GORDHAMER called. He got the victim's father RANDY LOE's last known phone number and address. He said no one in the family has called him. I added this to IRIS. He said RANDY lived in a confined motorhome for awhile, but doesn't know if it is or was located at the address he provided. He suggested I research the motorhome. He had no info on the motorhome.

**Thursday 09/27/07 12:42**  
 RP called. He said he is on his way here to sign paperwork for Detective TOMPKINS. He asked if he can view any surveillance tapes with victim on them. He said he knows victim better than anyone, and wanted to see if he could tell victim's state, whether or not she was under duress.

**Thursday 09/27/07 12:46**  
 Called the phone number MARK GORDHAMER gave me for RANDY LOE's last known number. It is disconnected.

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**Thursday 09/27/07 12:47**  
 Looked up RANDY LOE's address in the White Pages website. It came back to LINDA B. LOE at a different phone number.

**Thursday 09/27/07 12:48**  
 Called the phone number I found in the White Pages website for RANDY LOE's address: 772-465-3341. A young sounding female answered. As so soon as I said I am with KCSO in Seattle, she hung up the phone.

**Thursday 09/27/07 12:49**  
 Called the same phone number again: 772-465-3341. The female answered, "Sorry about that." I asked whom she is, and she said "JADE". I asked for LINDA or RANDY. She said LINDA is not home and RANDY is "unavailable". I left my phone number (toll free) with her and asked either call me ASAP. I asked if they have heard from victim, and JADE simply replied, "No." She didn't ask why I wanted to know.

**Thursday 09/27/07 13:23**  
 T. JENSEN asked me to research to see if I can determine whom the phone numbers on victim's cell phone log belong to, for the date of 09-20-07.

**Thursday 09/27/07 13:25**  
 Looked up the 3 phone numbers, other than victim's and RP's, for the date of 09-20-07 on victim's Verizon activity:  
 1) 206-719-9757 - IRIS, nothing - Accurint, nothing - White Pages website, Airtouch (Verizon) cell phone out of Seattle  
 2) 206-628-2111 - IRIS, 10 entries, 2 are Nordstrom in Seattle - Accurint, Nordstrom in Seattle - White Pages website, Nordstrom in Seattle  
 3) 206-992-1182 - IRIS, nothing - Accurint, nothing - White Pages website, Blue Licenses Holding cell phone out of Seattle

**Thursday 09/27/07 13:40**  
 Gave T. JENSEN the results of the 3 phone numbers from 09-20-07. He said he read the Verizon printout on victim's cell phone, and found a notation that any 719 number is a routing number and should not be considered part of an investigation. That was the prefix of the first number I researched and called.

**Thursday 09/27/07 13:41**  
 DIANE MATHIS, USAA Federal Bank, left voice mail. She said to call her and left her direct phone number.

**Thursday 09/27/07 13:42**  
 Called 206-719-9757. Got a recording that it is a Verizon Wireless phone that is changed, disconnected, or out of service.

**Thursday 09/27/07 13:43**  
 Called 206-992-1182. A female identifying herself as CASSANDRA MAIN answered. She said she is a co-worker of victim's at Nordstrom Rack. She confirmed she was trying to reach victim on her cell phone on 09-20-07, to find out why she wasn't at work. She said each time she called victim's number, it rang a really long time, then she got a recorded message saying the subscriber could not be reached.

**Thursday 09/27/07 13:47**  
 Called DIANE MATHIS, USAA Federal Bank, left voice mail that I got her message and asked she call me back.

**Thursday 09/27/07 14:02**  
 ROBERT POWELL called again. As in his voice mail message, he said he wants me to instruct him how to go about looking for victim. He claims he is a good friend of victim's mother (referring to NANCY LOE). I suggested he call the family and ask what they would like him to do. He said he doesn't have their phone numbers. He asked I pass his phone number on, if I talk to family. He asked about all the police activity at Factoria Mall in Bellevue today, wanting to know if victim's vehicle was located. I told him I have no knowledge of what is going on at that mall.

DO NOT DISCLOSE: <input type="checkbox"/>	<b>SHERIFF</b> KING COUNTY	<b>FOLLOW-UP REPORT</b>	07-284580	Page 21
Domestic Violence: <input type="checkbox"/>			563-N-0	District: H-1

**Thursday 09/27/07 14:21**  
 Detective TOMPKINS asked I call NANCY LOE and leave her a voice mail message that victim has been involved in a vehicle accident, she is still alive, victim is being transported to a local hospital, possibly Valley Medical Center, and that the RP is enroute to victim's location.

**Thursday 09/27/07 14:22**  
 Called NANCY LOE's cell phone. Left voice mail message that victim has been involved in a vehicle accident, she is still alive, victim is being transported to a local hospital, possibly Valley Medical Center, and that the RP is enroute to victim's location.

**Thursday 09/27/07 14:40**  
 Ran incident #07-284580 in CAD. CAD shows Sergeant TONER radioed the Comm Center at 1414 hours that victim is in her vehicle, off the road 1/4 mile south of Jones Road, off Hwy 169. CASE CLOSED.

**Summary/Conclusion:**

LOCATE QUESTIONNAIRE

CIRCUMSTANCES: Located by KCSO. CASE CLOSED.

DATE/TIME LOCATED: 09-27-07 1414 Hours  
 RETURNED HOME [ ] OTHER [x]  
 LOCATED WHERE: 1/4 mi S of Jones Rd/Hwy 169  
 COMPUTER INQUIRY TIME:

COMPUTER ENTRY TIME: \_\_\_\_\_ OP# \_\_\_\_\_ NIC \_\_\_\_\_ WAC \_\_\_\_\_

Certification

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

Date and Place: \_\_\_\_\_ Signature/Agency: \_\_\_\_\_

**END OF REPORT**

Honorable Garold E. Johnson  
Noted for March 30, 2012 @ 1:30 p.m.

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

TANYA and TOMMY RIDER, wife and husband )  
and the marital community composed thereof, )

No. 10-2-13111-1

Plaintiffs, )

vs. )

ORDER GRANTING KING  
COUNTY'S MOTION FOR  
SUMMARY JUDGMENT

KING COUNTY, in its capacity as the KING )  
COUNTY SHERIFF'S DEPARTMENT, )

(PROPOSED)

Defendant. )

This matter having come before this Court on King County's motion for summary judgment, and the Court having reviewed said motion, plaintiff's response thereto, and King County's reply to that response, and the following:

**King County's Supporting Evidence:**

1. Declaration of Jessica Kozma, including the following attached exhibits:
  - Exhibit 1: Plaintiffs' Complaint for Personal Injury and Damages;
  - Exhibit 2: Excerpts from the deposition of Tommy Rider taken on July 14, 2011;

ORDER GRANTING KING COUNTY'S MOTION  
FOR SUMMARY JUDGMENT - 1

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

1 Exhibit 3: Excerpts from King County's First Interrogatories and Requests for Production to  
2 Plaintiff Tommy Rider and Responses Thereto;

3 2. Declaration of Aaron Siegrist, including the following attached exhibit:

4 Exhibit 1: 911 transcript from September 22, 2007 Rider call;

5 3. Declaration of Thomas Lowe, including the following attached exhibit:

6 Exhibit 1: 911 transcript from September 23, 2007 Rider calls;

7 4. Declaration of Christopher Cross, including the following attached exhibit:

8 Exhibit 1: Follow-Up Report from Deputy Cross;

9 5. Declaration of Janet Rhodes, including the following attached exhibit:

10 Exhibit 1: Follow-Up Report from Janet Rhodes.

11 ***Plaintiff's Supporting Evidence:***

12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_  
18 \_\_\_\_\_

19 and being otherwise fully advised, now therefore,

20 ///

21 ///

22 ///

23 ///

ORDER GRANTING KING COUNTY'S MOTION  
FOR SUMMARY JUDGMENT - 2

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that King County's motion for  
2 summary judgment is granted. As against King County and any of its departments, agents, and  
3 employees, this action is dismissed in its entirety with prejudice.  
4

5 DONE IN OPEN COURT this \_\_\_\_ day of March, 2012.  
6  
7

8 HONORABLE GAROLD E. JOHNSON  
9

10  
11 Presented by:

12 DANIEL T. SATTERBERG  
13 King County Prosecuting Attorney  
14

15 By: s/Jessica H. Kozma  
16 ENDEL R. KOLDE, WSBA #25155  
17 JESSICA H. KOZMA, WSBA #30416  
18 Senior Deputy Prosecuting Attorneys  
19 Attorneys for Defendant King County

20 Copy received; Approved as to form;  
21 Notice of Presentation waived:  
22

23 By: \_\_\_\_\_  
Paul A. Spencer, WSBA #19511  
Plaintiffs' Attorney

By: \_\_\_\_\_  
Boyd S. Wiley, WSBA #18817  
Plaintiffs' Attorney

ORDER GRANTING KING COUNTY'S MOTION  
FOR SUMMARY JUDGMENT - 3

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

March 19 2012 2:44 PM

KEVIN STOCK  
COUNTY CLERK  
NO: 10-2-13111-1

Hon. Garold E. Johnson  
Noted for March 30, 2012

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

TANYA and TOMMY RIDER, wife and husband )  
and the marital community composed thereof, )

No. 10-2-13111-1

Plaintiffs, )

vs. )

SUPPLEMENTAL DECLARATION  
OF JANET RHODES

KING COUNTY, in its capacity as the KING )  
COUNTY SHERIFF'S DEPARTMENT, )

Defendant. )

I, Janet Rhodes, declare that:

1. I am over eighteen years of age. I have personal knowledge of the facts contained  
in this declaration and am otherwise competent to testify to the matters in this declaration.

2. I previously signed a declaration which was filed in support of King County's  
Motion for Summary Judgment in this case. In that declaration, I stated that the Sheriff's Office  
requested Ms. Rider's cell phone records from Verizon on Wednesday, September 26, 2007.

However, I have since found out that the records were actually requested Thursday morning,

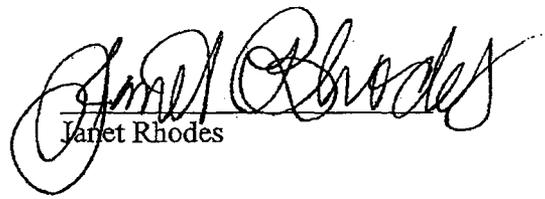
Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

1 September 27. I was not the person who requested the records. Rather, they were requested by  
2 Detective Thien Do. As correctly stated in my original declaration, the cell records were  
3 obtained on Thursday, September 27, 2007.

4 3. The remainder of my original declaration is correct.

5  
6 I declare under penalty of perjury under the laws of the State of Washington that, to the  
7 best of my knowledge, the foregoing is true and correct.

8  
9 SIGNED and DATED at Kent, Washington, this 19<sup>th</sup> day of March,  
10 2012.

11   
12 Janet Rhodes

13  
14  
15  
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19  
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22  
23

March 20 2012 1:21 PM

KEVIN STOCK  
COUNTY CLERK  
NO: 10-2-13111-1

Before the Honorable Garold E. Johnson  
Plaintiffs' Responsive Pleadings  
Defendant's Motion For Summary Judgment  
Noted for Friday March 30<sup>th</sup> @ 1:30 pm

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

TANYA and TOMMY RIDER, wife and  
husband and the marital community  
composed thereof,

Plaintiffs,

vs.

KING COUNTY, in its capacity as the  
KING COUNTY SHERIFF'S  
DEPARTMENT.

Defendant.

CAUSE NO. 10-2-13111-1

PLAINTIFFS' MEMORANDUM IN  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT

I. INTRODUCTION

Plaintiffs submit this memorandum and the declarations of Tom Rider, Paul  
Spencer and D.P. Van Blaricom in opposition to Defendant's Motion for Summary  
Judgment of Dismissal.

II. STATEMENT OF FACTS

A. **Background.** Plaintiff Tanya Rider went missing on Thursday September  
20, 2007 after she left her job at Fred Meyer in Bellevue. Everyone later learned that  
Mrs. Rider had been in an automobile accident off of State Highway 169 between

PLAINTIFFS MEMORANDUM IN  
OPPOSITION TO MOTION FOR  
SUMMARY JUDGMENT PAGE -1-

OSERAN HAHN SPRING  
STRAIGHT & WATTS, P.S.  
SUITE #1430, 10900 NE 4<sup>th</sup> STREET  
BELLEVUE, WASHINGTON 98004  
425-455-3900; Facsimile 425-455-9201

1 Renton and Maple Valley at or near milepost #19. Plaintiff Tom Rider learned that  
2 Tanya was missing on Saturday September 22<sup>nd</sup> 2007 when he was called by a Fred  
3 Meyer employee and told that Tanya had not shown up for her scheduled shift. Rider  
4 Dec. p. 2. <sup>1</sup> After Tom Rider got the call from Fred Meyer, he called 911 and reported  
5 that Tanya was missing.  
6

7 Attached as Exhibit "A" to the Declaration of Paul A. Spencer are the  
8 transcripts from seven 911 calls between Tom Rider and 911 operators in roughly a  
9 twenty four hour period between the morning of Saturday September 22<sup>nd</sup> 2007 and the  
10 morning of Sunday September 23, 2007. A review of these transcripts/calls indicates  
11 that Mr. Rider first reported that his wife Tanya was missing at 7:44 am on Saturday  
12 September 22, 2007 (see Ex "A" at KC0012). Between his first call and the seventh  
13 call which occurred at 11:11 am on Sunday September 23, 2007,(See Ex "A" at  
14 KC0055) Mr. Rider was asked by 911 operators to do a number of things (check area  
15 jails and hospitals; contact relatives, check accounts; check to see if the car had a  
16 locator on it etc.) and report back to King County before an operator would take in his  
17 report that Tanya Rider was missing and KCSD representatives would start looking for  
18 Tanya Rider. Rider Dec. p. 2.  
19  
20  
21  
22  
23  
24

25 <sup>1</sup> References to "Rider Dec. p. \_\_\_" are references to portions of the Declaration of Tom Rider dated March 19<sup>th</sup>  
2012 submitted in opposition to the Defendant's pending motion for Summary Judgment.

1 In addition to gathering the information requested by the 911 operators, Mr.  
2 Rider checked plaintiffs joint bank accounts and account information to see if there had  
3 been any activity. Rider Dec. p.3. He travelled the route he believed Tanya took to and  
4 from her work several times. Rider Dec. p.3. He went to see if she was at the  
5 plaintiffs' property in Shelton.  
6

7 Finally, on Sunday morning September 23, 2007 King County accepted Mr.  
8 Rider's report and listed Tanya Rider as a missing person. (See Exhibit A at p.  
9 KC0043) The 911 operator told Mr. Rider that he [the operator] was taking the report  
10 and would list Tanya on the missing person's national site. The operator also said that  
11 he would send an officer out to take a report directly from Mr. Rider. Following the  
12 foregoing conversation, Mr. Rider felt a great deal of relief because someone was  
13 finally listening and he finally had someone who was willing to take the lead in  
14 locating his wife. Rider Dec.p.3.  
15  
16  
17

18 Later on Sunday, September 23, 2007, an officer came to the Rider's house to  
19 take a report from Mr. Rider. Mr. Rider gave the officer as much information as he  
20 could on Tanya and let the officer search his house. Rider Dec.p.3. Mr. Rider asked the  
21 officer if there was any way to locate his wife by cell phone. Rider Dec. p.3-4. The  
22 officer said there was, but that would be a call for a detective. The officer said a  
23 detective would contact Tom the following day—Monday.  
24  
25

1 On the morning of Monday September 24, 2007 Tom spoke with Janet Rhodes,  
2 Defendant King County Sheriff's Departments ("KCSD") lead investigator for missing  
3 persons. Rider Dec. p.4 ¶13. Mr. Rider and Ms. Rhodes went over much the same  
4 information as Mr. Rider had provided to the officer the day before and to the 911  
5 operator. Mr. Rider told the investigator that the only credit card that Tanya Rider had  
6 with her was the Nordstrom Visa and that was the only account for which he did not  
7 have access. Rider Dec.p. 4. Ms. Rhodes told Mr. Rider at that time that if something  
8 had gone wrong with Tanya, the King County Sheriff's Department would locate her.  
9 Rider Dec. p. 4 ¶13.

10  
11  
12 Over the next four days Mr. Rider spoke with Ms. Rhodes daily to check on  
13 how the search was going.(See Rhodes Declaration Exhibit 1) At the same time, Mr.  
14 Rider returned to work and stopped checking their bank accounts. Rider Dec. p. 4 ¶14.  
15 Mr. Rider believed that Defendant's investigator had his wife's search well in hand and  
16 that she/KCSD would locate his wife.  
17  
18

19 On Tuesday September 25, 2007, Mr. Rider again spoke with Ms. Rhodes. Ms.  
20 Rhodes said that there had been activity on one of the accounts, and Mr. Rider was  
21 initially relieved because he thought his wife was alive. Rider Dec. p. 4 ¶15. However,  
22 he quickly noted that Ms. Rhodes had said "accounts" and called her back a short time  
23 later and asked Ms. Rhodes which account she discovered activity on only to learn that  
24  
25

1 it was the USAA account, the account he[Tom Rider] told her previously that he had  
2 access to. Rider Dec. p. 5 ¶16.

3  
4 The following day[Wednesday September 26, 2007], Ms. Rhodes followed-up  
5 with Mr. Rider about the accounts and potential transactions as though she was still  
6 apparently confused about the accounts.(See Rhodes Declaration Ex “A” at p.15) Ms.  
7 Rhodes indicated to Mr. Rider that she had received an email from USAA indicating  
8 that he [Mr. Rider] was not on that account – Mr. Rider advised her that was not  
9 accurate. Mr. Rider later spoke with a man named “Paul” at USAA and “Paul”  
10 confirmed that that USAA did not send any such email and would not provide that  
11 information over the telephone without a release. Rider Dec. p. 5 ¶17  
12

13  
14 On Thursday, September 27, 2007, Mr. Rider went to the King County Sheriff’s  
15 facility to have a polygraph, so that he could be cleared as a suspect and King County  
16 could focus all of its efforts on the search for Tanya. Rider Dec. p.5-6 ¶19. Before  
17 beginning the polygraph, the examiner asked Mr. Rider a series of questions so that he  
18 [Tom] would not be surprised by the questions. Once the questions had been asked,  
19 KCSD Detective Tomkins came into the room. Detective Tomkins asked Mr. Rider if  
20 he was familiar with 196<sup>th</sup> and Jones road. Mr. Rider asked for more information, and  
21 the detective finally told him that Tanya Rider had been found and that she was still  
22 trapped in their car. Mr. Rider later learned that Mrs. Rider had been found through  
23  
24  
25

1 information the KCSD had obtained from Verizon earlier that morning. Rider Dec. p. 6  
2 ¶20.

3  
4 The evidence is clear that no request for cell records was made until Thursday  
5 September 27<sup>th</sup> 2007.(See Exhibit "B" to Spencer Declaration) In fact, Mr. Rider was  
6 not even asked to sign a release until that time for these records. (See Exhibit "C" to  
7 Spencer Declaration). The delay in requesting this information according to  
8 Defendant's representatives was caused by confusion in information. (See Rhode's  
9 Declaration at ¶8) However, the evidence is undisputed that this information was  
10 provided repeatedly to 911 operators 5 days earlier (See Exhibit "A" to Spencer  
11 Declaration at pgs.28;39); listed on the initial intake report(See Exhibit "D" to Spencer  
12 Declaration); and provided by Mr. Rider directly to Ms. Rhode's 3 days earlier. Rider  
13 Dec. p. 4 ¶13.

14  
15  
16 Notably, KCSD Detective Do contacted Verizon cellular via Fax on Thursday,  
17 September 27, 2007 at 10:30 a.m. based upon a representation that exigent  
18 circumstances existed. (See Exhibit "B" to Spencer Declaration) Verizon provided a  
19 number of pieces of information including that Mrs. Rider's last incoming phone call  
20 was on September 24, 2007 at 2248 hours and the call used the south side of the tower  
21 located at 15734 203 Ave SE and could have come from a 3-5 mile radius. At 12:45  
22 that same day, a complete version of the Verizon phone records was faxed to the  
23  
24  
25

1 KCSD major crimes unit. (See Exhibit "F" to Spencer Declaration at p.7) The records  
2 showed that Tanya's cell phone had been using a tower located at 15734 203 Ave. SE  
3 from the 20<sup>th</sup> until it powered off on the 24<sup>th</sup>. Tanya Rider was found less than 90  
4 minutes later at approximately 2:14 PM, trapped inside her vehicle.  
5

6 **B. Factual Disputes.**

7 Defendant argues in its motion that King County representatives never  
8 guaranteed Mr. Rider that they would find his wife. Therefore, Defendant concludes  
9 that no express assurance was made to Mr. Rider. However, Defendant's  
10 representative Rhode's did tell Mr. Rider that "if something happened to Mrs. Rider  
11 they would find her". Rider Dec. p. 4 ¶13; p.6 ¶21. Defendant also asserts in its  
12 motion that no express assurances were provided to Mr. Rider that the KCSD would  
13 even look for Mrs. Rider. A review of the 911 call records reflect that in several cases  
14 911 operators told Mr. Rider that they needed more information before they could  
15 characterize Mrs. Rider as a missing person.(See Spencer Declaration Ex"A" at  
16 pages.17,18,20,21) In each instance, Mr. Rider obtained the additional information  
17 and passed it along to the 911 operators. As indicated above, finally the report was  
18 taken and Mr. Rider was "assured" by both the words and actions of Defendant's  
19 representatives that they were actively looking for his wife.  
20  
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1 To suggest that KCSD was not actively trying to find Mrs. Rider is ludicrous  
2 based upon Ms. Rhodes own testimony. Ms. Rhodes herself admits that she was  
3 actively investigating and searching for Mrs. Rider from the 24<sup>th</sup> until Mrs. Rider was  
4 found on the 27<sup>th</sup>. (See Rhodes Deposition at p. 41,51,62-63)<sup>2</sup> Although Ms. Rhodes  
5 declaration offered by Defendant indicates that she as of September 24, 2007 “believed  
6 that Tanya was not missing at all” based on the purported account activity (see  
7 Rhode’s Declaration at p. 2), her deposition testimony clearly reflects that she never  
8 stopped looking for Tanya Rider until she was found on the 27<sup>th</sup>. (See Rhodes  
9 Deposition at p.51)

10 Moreover, as indicated in the deposition testimony of Janet Rhodes, once the  
11 report was passed along to her, her job was to find Mrs. Rider and she continued to  
12 investigate Tanya Rider’s whereabouts up to the time she was found. Rhodes  
13 Deposition at p.21. In fact, Ms. Rhodes is the only person in the KCSD who holds this  
14 investigative position. Rhodes Deposition at p.10.

15 Ms. Rhodes’ declaration states that she never guaranteed Tom Rider that Tanya  
16 Rider would be found. However, she states in her deposition:

17 Question: At any point did you stop looking for Tanya Rider during that  
18 week prior to Thursday ?

19 Answer: No.

20 Question: You kept looking for her ?

21  
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24  
25 <sup>2</sup> References to “Rhode’s Deposition at p.\_\_\_\_” are references to excerpts of the deposition of Janet Rhodes which  
are attached to the Declaration of Paul A. Spencer.

1 Answer: Yes.  
2 Question: And did you tell Mr. Rider that you were continuing to look for  
3 her ?  
4 Answer: I don't know if I used those words. But, yeah, he knew that.  
(Rhodes' Deposition at p. 51-52)

5 In fact, Ms. Rhodes never told Mr. Rider that she was not looking for Tanya  
6 Rider in any of their many conversations. Rhodes' Deposition at p. 63.

7 Ms. Rhodes declaration supporting the Defendant's motion contains a number  
8 of conflicts itself. For example, Ms. Rhodes claims she had access to various  
9 transactions on the USAA Account as of Monday September 24, 2007.(See Rhodes  
10 Declaration at p.2) However, she later claims she needed Tom Rider to fax her  
11 account information. (See Rhodes Declaration at p.2-3)

12 Ms. Rhodes claims that everything changed on Wednesday the 26<sup>th</sup> when she  
13 first discovered that Tom Rider was on the USAA Account.(Rhodes Declaration at p.3)  
14 Ms. Rhodes states the Defendant immediately requested the cell information from  
15 Verizon. Rhodes Declaration at p.3. Ms. Rhodes then states that KCSD received the  
16 information the following day – Thursday September 27, 2007. Rhode's Declaration p.  
17 3.

18 Mr. Rider states that he told Ms. Rhodes at the outset that he was on the USAA  
19 account. Rider Dec at p.4 ¶13. Moreover, the initial incident report corroborates Mr.  
20 Rider's assertion as does the information taken by the 911 operators. (See Exhibits "A")  
21

1 and "D" of Spencer Declaration) Further, KCSD's own documentation reflects that  
2 the Verizon records were not requested for over twenty four hours after Ms. Rhodes  
3 telephone conversation wherein she purportedly learned that Mr. Rider was on the  
4 USAA account.(See Exhibit "B" to Spencer Declaration) Perhaps more importantly  
5 Defendant's representatives had knowledge of this information as early as September  
6 22<sup>nd</sup> 2007.  
7

8  
9 Defendant also contends that factually there was no reliance on Mr. Rider's  
10 part.(See Defendant's Motion at p.16-18; 22 ) However, the undisputed and  
11 overwhelming evidence before the Court includes:  
12

13 1. In the twenty four hour period that followed Mr. Rider's discovery that his  
14 wife was missing he spoke with 911 operators no less than 7 times; made  
15 multiple trips to and from Tanya's work; drove to their property in Shelton;  
16 checked account activity and never stopped looking for Tanya.(See Tom Rider  
17 Declaration)  
18

19 2. After Defendant King County took on the case, Mr. Rider returned to work.  
20 Declaration of Tom Rider at p.4¶14.  
21

22 3. Between Monday September 24, 2007 and the time Mrs. Rider was found on  
23 Thursday September 27<sup>th</sup> 2007 Mr. Rider called KCSD representative Janet  
24  
25

1 Rhodes daily for updates. Declaration of Tom Rider p. 4¶14; (See also Exhibit 1  
2 to Rhodes Declaration)

3  
4 **C. Breach of Duty.** Although the Defendant's motion focuses on whether a  
5 duty exists, Plaintiffs offer testimony with respect to the breach of the duty. Plaintiffs'  
6 Police Practices expert D.P. Van Blaricom has over fifty-five years of active  
7 employment law enforcement experience including twenty-nine years of continuous  
8 police service, during which he was the Chief of Police of Bellevue, Washington for  
9 the last eleven of those years. Mr. Van Blaricom opines that the actions of the KCSD  
10 were in direct breach of the standard of care in not following-up with Mr. Rider on the  
11 account information and failing to obtain the cell phone records sooner. (See Van  
12 Blaricom Declaration at p.8-10)

13  
14  
15 Further, the information that Ms. Rhodes believed created the exigent  
16 circumstances on Wednesday September 27, 2007 [which in her mind justified the  
17 request for the Verizon cell records] was that Mrs. Rider had not used any of her credit  
18 cards or accounts. Rhodes Deposition p. 56-57. Ms. Rhodes acknowledges that she  
19 had the KCSD's incident report when she first looked at this file three days earlier.  
20 Rhodes Deposition p.41; See Exhibit "D" to Spencer Declaration. The incident report  
21 clearly states:  
22

23  
24 ..... The victim has only one credit card with her, a Nordstrom Visa,  
25 which is in her name only. The RP [Tom Rider], the victim's husband,

1 has been unable to see if there has been any activity on it. All of victims  
2 other cards and checks are at the house, including her debit card.  
3 (See Spencer Declaration Ex "D")

4 Ms. Rhodes was aware as of Monday morning September 24<sup>th</sup> at 10:35 am that there  
5 had been no activity on Tanya Rider's Nordstrom's visa since Thursday September 20<sup>th</sup>  
6 2007 at 10:00 am.(See Ex 1 to Rhodes Declaration at p. 9) In short, Ms. Rhodes was  
7 aware at that time (or should have been aware) that the only card Tanya Rider had in  
8 her possession had not been used or accessed since the date of her disappearance.  
9

10 Ms. Rhodes also testified that she had routinely used cell phone records for  
11 missing persons prior to the Rider case. Rhodes Deposition at p. 45-46. Despite her  
12 prior experience, between Monday September 24<sup>th</sup> and Thursday September 27<sup>th</sup> 2007  
13 Ms. Rhodes made one telephone call to Verizon [Tanya Rider's cell phone carrier] and  
14 did not even wait to speak to a representative. Rhodes Deposition at p. 64.  
15

### 16 III. ARGUMENT & AUTHORITY

17  
18 **A. Summary Judgment Standard.** Summary Judgment is appropriate  
19 when there are no genuine issues of material fact and when the moving party is entitled  
20 to judgment of dismissal as a matter of law. CR 56; Wilson v. Steinbach, 98 Wn.2d  
21 434, 656 P.2d 1030(1982). A material fact is a fact upon which the outcome of  
22 litigation depends. Hill v. Cox, 110 Wn.App. 394, 402, 41 P.3d 495 (2002). In the  
23 context of a summary judgment motion, the non-moving party is entitled to have all  
24  
25

1 facts, and the reasonable inferences to be drawn therefrom, viewed in a light most  
2 favorable to the them. Wilson, at p.437.

3  
4 **B. The Public duty doctrine.** Defendant's motion asserts that Defendant King  
5 County owed Plaintiffs' no duty to locate Mrs. Rider and consequently any claimed  
6 breach is not relevant because no duty was owed. In its motion, Defendant recognizes  
7 that Plaintiffs' claims have been advanced under two of the four exceptions to the  
8 public duty doctrine: (1) a special relationship had been formed; and (2) the rescue  
9 doctrine.  
10

11 The public duty doctrine is used as a framework for Court's to determine when  
12 a governmental entity owes either a statutory or common law duty to a plaintiff who  
13 has filed suit alleging negligence. Cummins v. Lewis County, 156 Wn.2d 844,853, 133  
14 P.3d 459 (2006). Generally speaking to be actionable, "the duty must be one owed to  
15 the injured plaintiff, and not owed to the public in general." Cummins, at p.852 – citing  
16 Taylor v. Stevens County, 111 Wn. 2d 159, 759 P.2d 447 (1998). There are four  
17 exceptions to the public duty doctrine which provide for a governmental entities  
18 exposure to a third party – and if an exception applies then the government will be held  
19 as a matter of law to owe a duty of reasonable care to the individual plaintiff or to a  
20 limited class of plaintiffs. Cummins, at p. 853.  
21  
22  
23  
24  
25

1 The four exceptions to the public duty doctrine are (1) legislative intent, (2)  
2 failure to enforce, (3) rescue doctrine, and (4) a special relationship. Babcock v. Mason  
3 County Fire District, 144 Wn.2d 774, 786, 30 P.3d 1261 (2001).  
4

5 **1. Defendant King County established a special relationship to Plaintiffs.**

6 A government duty based upon a special relationship requires (1) contact or privity  
7 between the government and the plaintiff that sets the plaintiff apart from the general  
8 public; (2) express assurances given by the government representative to the plaintiff;  
9 and (3) justifiable reliance on the part of the plaintiff. Babcock, at p. 786. Defendant  
10 is not contesting for the purposes of this motion the contact/privity requirement. (See  
11 Defendant's Motion at p.13) Rather, Defendant contends that neither the second or  
12 third element of the special relationship exception are present.  
14

15 **2. Defendant King County Representatives made express assurances to**  
16 **Plaintiff Tom Rider.** As Defendant concedes for the purpose of in its motion, Ms.  
17 Rhode's told Mr. Rider that "if something had gone wrong, they would locate Tanya  
18 and find out what happened". (See Defendant's Motion at p. 15) Plaintiffs' are  
19 entitled in the present context to have this statement, and all reasonable inferences  
20 drawn from this statement, viewed in a light most favorable to them. Moreover,  
21 unlike the cases cited by Defendant, this statement was not made out of the blue – it  
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25

1 followed 48 hours of multiple contacts (by phone and in person) between Tom Rider  
2 and Defendants 911 and officer representatives.  
3

4 Defendant contends that in order for a special relationship to have arisen –  
5 KCSD would have had to guarantee that they would find Mrs. Rider or specifically tell  
6 Mr. Rider how they intended to look for Mrs. Rider in some manner. Defendant is  
7 wrong. Defendant took on the special relationship by agreeing it would search for Mrs.  
8 Rider and “would find her if something had gone wrong”. What other possible  
9 representation was being made by Ms. Rhodes ? Ms. Rhodes herself acknowledges  
10 that she immediately began looking for Tanya Rider and had daily conversations with  
11 Mr. Rider about her progress. (See Rhodes Deposition .at p,41; See also Rhodes  
12 Declaration Ex 1) Looking at this express representation in light of its surrounding  
13 circumstances leads to the conclusion – a special relationship was formed – the KCSD  
14 had assumed a duty to reasonably investigate and locate Tanya Rider. After forming  
15 this relationship, Defendant’s representatives were required to act within the  
16 appropriate standard of care. Cummins v. Lewis County, 156 Wn.2d 844,853, 133 P.3d  
17 459 (2006)  
18  
19  
20  
21

22 Defendant cites Cummins v. Lewis County, 156 Wn.2d 844, 133 P.3d 459  
23 (2006) and Babcock v. Mason County, 144 Wn.2d 774, 30 P.3d 1261(2001) as support  
24 for its position that no assurances were given. However, both Cummins and Babcock  
25

1 are clearly distinguishable from the case at bar. In Cummins the Court relied upon the  
2 following:

3  
4 Mr. Cummins must have sought an express assurance of assistance, and  
5 the government must have un-equivocally given that assurance Babcock,  
6 144 Wn.2d at 789. ....Mrs. Cummins does not contend that the 911  
7 operator un-equivocally gave Mr. Cummins an express promise of  
8 medical assistance would be dispatched. (Cummins, at p. 855)

9 In this case, Defendants' representatives assured Mr. Rider that they would look for  
10 Mrs. Rider. In fact, Defendant's own investigator has testified that this was exactly  
11 what she was doing. Cummins does not require the Defendant to advise Mr. Rider of  
12 exactly what steps will be taken – the assurance made was that they would look and  
13 find Mrs. Rider – and that is the special relationship and duty the Defendant assumed.

14 In Babcock the Court found that “*a single statement by a single unidentified fire*  
15 *fighter does not constitute an express assurance which can bind the Fire District*”.

16 Babcock, at p. 789. In Babcock, homeowners returned to their home to find an  
17 adjacent house in flames with fireman working to put the fire out. The Babcock's  
18 wanted to move a trailer to safety but were advised not too and told that “the  
19 firefighters would take care of their property”. When their property was destroyed they  
20 sued the County for negligence – and relied on the above statement. The Babcock  
21 Court found that the Babcocks had not sought any express assurances from the  
22 firefighters, and therefore no special relationship existed. Babcock at p. 791.  
23  
24  
25

1 In this case, Defendants' representative's actions must be analyzed in context.  
2 First, Plaintiff Tom Rider had spoken with 911 operators on 7 different occasions over  
3 a 27 hour period, each time gathering additional information as requested. Second,  
4 once the report was accepted by the 911 operator and (approved by his supervisor), an  
5 officer was dispatched to take a further report from Mr. Rider. Third, as represented  
6 the following day Mr. Rider was contacted by Ms. Rhodes, the primary representative  
7 of King County responsible for searching and locating missing persons. (See Rhodes  
8 Deposition at p.10)

11 In this context, Ms. Rhodes represented to Mr. Rider that the KCSD would use  
12 all reasonable means to find Mrs. Rider and he believed her. Moreover under Babcock  
13 and Cummins, at such point the Defendant had an obligation to use reasonable care in  
14 its investigation. In this case, Plaintiffs' expert opines that the Defendant's  
15 representatives failed to act within the applicable standard of care and therefore are  
16 responsible for Mrs. Rider not being found until four days later. (See Van Blaricom  
17 Declaration at p.8-10)

20 **3. Mr. Rider relied upon King County to reasonably investigate and search**  
21 **for his wife, Plaintiff Tanya Rider.** Defendant also contends that Mr. Rider did not  
22 rely on KCSD personnel.(see Defendant's Motion at p.16-19) However, the  
23 undisputed evidence before the Court clearly indicates that Mr. Rider did in fact rely  
24

1 upon Ms. Rhodes and other KCSD representatives to investigate and locate his wife.  
2 For example, after literally spending 27 straight hours running around looking for Mrs.  
3 Rider between Saturday September 22<sup>nd</sup> and the morning of Sunday September 23<sup>rd</sup>,  
4 checking area hospitals, jails and looking at account information, once Defendant  
5 accepted the responsibility of looking for Mrs. Rider and Tom Rider stopped. The  
6 evidence reflects that Mr. Rider returned to work the following day. Rider Dec. at p.3  
7 ¶10.  
8

9  
10       Thereafter, Mr. Rider spoke to Defendant's investigator Rhodes daily – to check  
11 on how things were going. Rider Dec. p.4 ¶14. The only reasonable inference that  
12 can be drawn from Mr. Rider's actions and conduct was that he was relying upon King  
13 County to investigate and locate his wife.  
14

15       Moreover, whether Mr. Rider's reliance on Defendant was reasonable is  
16 generally a question of fact for the jury. Babcock v. Mason County Fire District, 144  
17 Wn.2d 774,792, 30 P.3d 1261 (2001); see also Beal v. City of Seattle, 134 Wn.2d 769,  
18 786, 954 P.2d 237 (1998). What is clear in this case is that Mr. Rider stopped  
19 spending every waking moment searching for his wife and gathering information after  
20 KCSD personnel took his report. Further, reliance is demonstrated unequivocally by  
21 his subsequent daily contact with Defendant's investigator Rhodes to ascertain the  
22 present status of her investigation.  
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1 Mr. Rider was certainly under the impression that Defendant's representatives  
2 were doing everything they could to locate his wife and more than once the record  
3 reflects that he asked them if she could be located by her cell phone. Ms. Rhodes  
4 testified that in fact she had used such records and assistance in the past in locating  
5 missing persons (Rhodes Dep. p. 45-46) – and offers “misinformation” as the reason  
6 why the records in this case were not requested sooner. (See Rhodes Declaration at p.  
7 2-3) As indicated above, based upon the incident report taken by the 911 operator –  
8 there was no basis for “misinformation”. At a minimum, a factual dispute exists as to  
9 what information Defendant's investigator had and when. Moreover, whether  
10 Defendant's investigator's actions were reasonable or not is also a question of fact.

11  
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13  
14 **4. Defendant owed Plaintiffs a duty to exercise reasonable care under the**  
15 **rescue doctrine.** A second recognized exception to the public duty doctrine is the  
16 rescue exception. Under the Rescue Exception, a cause of action for negligence lies  
17 against Defendant if (1) KCSD representatives offered to come to the aid of Plaintiffs;  
18 (2) Plaintiffs' rely on the aid provided; and (3) Defendant representatives failed to  
19 exercise reasonable care in coming to Plaintiffs' aid. Chambers-Castanes v. King  
20 County, 100 Wn.2d 275, 285 fn3; 669 P.2d 451 (1983); Johnson v. State, 164 Wn.App.  
21 740, 265 P.3d 199 (2011). In this case, if Defendant King County did not assume the  
22 special duty based upon its representatives express assurances, then the duty was  
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1 gratuitously assumed. The facts are undisputed that Defendants' representatives  
2 including but not limited to its investigator came to the aid of Tom Rider to locate his  
3 wife.  
4

5 Defendant's investigator testified that she was actively investigating and  
6 searching for Mrs. Rider from September 24<sup>th</sup> 2007 until she was ultimately found on  
7 the 27<sup>th</sup>. As indicated above, there is little question that Mr. Rider was relying on Ms.  
8 Rhodes as reflected in the daily calls to her. Defendant King County asserts that the  
9 rescue exception to the public duty doctrine does not apply because the Defendant's  
10 representatives never "gratuitously" agreed to come to Plaintiffs' aid in locating Mrs.  
11 Rider. (See Defendant's Motion at p. 21) Defendant's position appears to be as  
12 follows:  
13

- 14 i. The KCSD is not required to search for missing persons.
- 15 ii. The KCSD did not create a special relationship with Plaintiffs that led to  
16 it searching for Tanya Rider; and now  
17
- 18 iii. Defendant never gratuitously agreed to search for Mrs. Rider.  
19

20 If all of the above assertions were correct - the obvious question is - why were  
21 Defendant's investigators looking for Mrs. Rider then? Simply put, Defendant cannot  
22 have it both ways, and clearly they at a minimum gratuitously agreed to search for  
23 Tanya Rider.  
24  
25

1 Defendant has cited Babcock v. Mason County Fire District No. 6, 101  
2 Wn.App. 677, 5 P.3d 750 (2000), affirmed at 144 Wn.2d 774, 30 P.3d 1261 (2001) in  
3 support of its position that the rescue doctrine does not apply in this action. However,  
4 the Babcock decision is clearly distinguishable from the case at bar. In Babcock, the  
5 Court did not apply the rescue exception because it found that the Defendant County  
6 Fire Department had a “duty to protect the property of all citizens” and therefore the  
7 aid offered in that case was not gratuitous. Babcock, at p.686. In this case, Defendant  
8 has acknowledged that they have no independent duty to search for a person claimed to  
9 be missing.  
10  
11

12 Defendant also cites Johnson v. State of Washington, 164 Wn.App. 740 (2011).  
13 In Johnson, the Court was asked to determine if the State had gratuitously taken on a  
14 duty to come to the aid of a person whom had been reported missing and was being  
15 followed by a good Samaritan driver. In Johnson, the State argued that no offer to  
16 render aid had been made to the good Samaritan driver. Johnson at p. 751. Rather, the  
17 third party driver was told that the State Patrol had been called and thereafter stopped  
18 following the missing person. The Johnson Court found that this action was not a  
19 gratuitous offer to aid a particular person. Johnson, at p. 751.  
20  
21

22 Johnson is also clearly distinguishable from the case at bar. Tom Rider had 7  
23 different phone conversations with 911 operators wherein he was asked to obtain  
24  
25

1 information before the County would look for Mrs. Rider. Ultimately, KCSD advised  
2 Mr. Rider that they would look for and find his wife, and as indicated above, he clearly  
3 relied upon this representation. He communicated daily with Defendant's investigator  
4 over a 4 day period. Further, the investigator clearly segregated Mrs. Rider out from  
5 that of the general public, contacting employers, banks and other parties to attempt to  
6 locate Mrs. Rider. No such actions were taken by anyone in the Johnson case, the only  
7 action taken was for the 911 operator to transfer the call. Consequently, Defendant's  
8 representatives in this case most certainly assumed a duty to find Tanya Rider and as  
9 such were required to act reasonably in their search to locate Mrs. Rider and they didn't  
10 do so.

11  
12  
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14 Notably, the gratuitous assumption of the duty under the rescue doctrine can be  
15 express or implied based upon the relationship at issue. Chambers-Castanes v. King  
16 County, 100 Wn.2d 275, 286; 669 P.2d 451 (1983); Brown v. MacPherson's, 86  
17 Wn.2d 293, 545 P.2d 13 (1975).

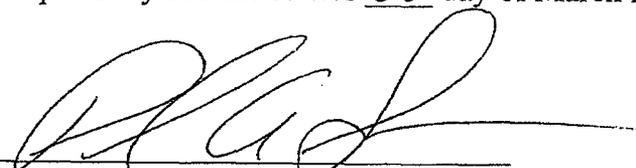
#### 18 19 IV. CONCLUSION

20 Based upon the forgoing, Defendant King County's motion for summary  
21 judgment of dismissal should be denied. A copy of Plaintiffs' proposed Order is  
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submitted with this motion.

Respectfully submitted this 20<sup>th</sup> day of March 2012.



Paul A. Spencer, WSBA#19511  
Oseran Hahn Spring Straight & Watts, P.S.  
Co-Counsel for Plaintiffs

Boyd Wiley, WSBA#18817  
Wiley Law Offices, PLLC  
Co-Counsel for Plaintiffs

March 20 2012 1:21 PM

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Before the Honorable Garold E. Johnson  
Plaintiffs' Responsive Pleadings  
Defendant's Motion For Summary Judgment  
Noted for Friday March 30<sup>th</sup> @ 1:30 pm

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

TANYA and TOMMY RIDER, wife and  
husband and the marital community  
composed thereof,

Plaintiffs,

vs.

KING COUNTY, in its capacity as the  
KING COUNTY SHERIFF'S  
DEPARTMENT.

Defendant.

CAUSE NO. 10-2-13111-1

DECLARATION OF PAUL A.  
SPENCER IN OPPOSITION TO  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT

Paul A. Spencer declares under penalty of perjury under the laws of the State of  
Washington that the following is true:

1. I am over the age of 18 and competent to make this declaration. I am an attorney in  
good standing and a member of the Washington State Bar. I, along with Boyd Wiley,  
represent the Plaintiffs in the above captioned matter.

2. I apologize to the Court for the timing of this filing being one day late. Unfortunately,  
over the past few days I have been ill and was unable to complete and file Plaintiffs' response  
pleadings. Yesterday morning (Monday March 19<sup>th</sup> the due date for the responsive filings) I

DECLARATION OF PAUL A. SPENCER  
IN OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
PAGE -1-

OSERAN HAHN SPRING  
STRAIGHT & WATTS, P.S.  
SUITE #1430, 10900 NE 4<sup>th</sup> STREET  
BELLEVUE, WASHINGTON 98004  
425-455-3900; Facsimile 425-455-9201

1 contacted opposing counsel and asked if she would be amenable to a 1 day extension for  
2 Plaintiffs' response to Defendant's motion for summary Judgment and I in turn would give  
3 Defendant an additional day to reply. Ms. Kozma agreed so I went home sick. Consequently,  
4 we are filing responsive pleadings today in accordance with counsel's agreement. Again, I  
5 apologize to the Court for any inconvenience it causes.  
6

7 3. I have attached to this declaration as Exhibit "A" copies of the transcripts of the 911  
8 calls that Defendant King County produced in response to Plaintiffs' discovery requests in this  
9 matter relating to the Tanya Rider's disappearance and subsequent finding.  
10

11 4. I have attached to this declaration as Exhibit "B" a fax page dated September 27, 2007  
12 from Defendant to Verizon Wireless obtained from Defendant King County as part of its  
13 investigation file.

14 5. I have attached to this declaration as Exhibit "C" a one page document entitled Consent  
15 to Search dated September 27<sup>th</sup> 2007 at 1323 – signed by Tom Rider on Defendant's form  
16 obtained from Defendant King County as part of its investigation file.  
17

18 6. I have attached to this Declaration as Exhibit "D" a copy of the incident report attached  
19 to Defendant's Response to Plaintiffs' Request for Production No. 9.

20 7. I have attached to this Declaration as Exhibit "E" excerpts taken from the Deposition of  
21 Janet Rhodes which took place on Thursday March 15<sup>th</sup> 2012.  
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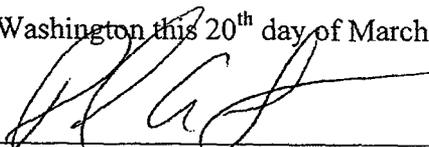
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DECLARATION OF PAUL A. SPENCER  
IN OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
PAGE -2-

OSERAN HAHN SPRING  
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8. I have attached to this Declaration as Exhibit "F" excerpts from the Defendant's Responses to Plaintiffs' First Interrogatories and Requests for Production of Documents.

Dated and signed at Bellevue Washington this 20<sup>th</sup> day of March 2012.

  
\_\_\_\_\_  
Paul A. Spencer, WSBA #19511

DECLARATION OF PAUL A. SPENCER  
IN OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
PAGE -3-

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425-455-3900; Facsimile 425-455-9201

**RIDER v. KING COUNTY**

**Pierce County Cause No. 10-2-13111-1**

**EXHIBIT “A”**

**TO DECLARATION OF PAUL A. SPENCER  
IN OPPOSITION TO DEFENDANT’S MOTION FOR  
SUMMARY JUDGMENT**

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

TOMMY & TANYA RIDER, )  
WIFE AND HUSBAND, ) No. 10-2-13111-1  
and the marital community )  
composed thereof, )  
Plaintiffs, )  
vs. )  
KING COUNTY IN ITS CAPACITY )  
AS THE KING COUNTY SHERIFF'S )  
OFFICE, )  
Defendants. )

---

VERBATIM TRANSCRIPT OF PROCEEDINGS  
OF  
911 RECORDINGS  
9/22/2007, 9/23/2007 & 9/27/2007

Transcribed at the Request of the King County Prosecutor's Office  
Requested by Lisa Boggess

Transcribed by Brian Killgore

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(Call 1-0744-0747 xfr to WSP)

911 OPERATOR: 911, what are you reporting?

MR. RIDER: My wife didn't show up for work last night and she is not home and I haven't heard from her in two days.

911 OPERATOR: Okay, have you checked with friends, family and --

MR. RIDER: Yes.

911 OPERATOR: -- the hospitals and the jails?

MR. RIDER: My wife wouldn't be in jail, but I was wondering if there were any accidents involving a Tanya Rider?

911 OPERATOR: Okay, I don't have any way to check specifically by name, but if someone is involved in an accident that is so serious the participants can't call, we send someone out to their house -- you know --

MR. RIDER: Our address is in -- that the car is registered in is Shelton. We just recently purchased a house out here in Maple Valley.

911 OPERATOR: Um-hum?

MR. RIDER: So it hasn't been changed on the vehicle, and -- unless they are mind readers, they are not going to know.

911 OPERATOR: Let me have you talk to a non-emergency operator, then; one moment.

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(Brief pause in proceedings)

911 OPERATOR: Non-emergency, how can I help you?

MR. RIDER: My wife is missing and I am worried.

911 OPERATOR: Okay, when was she last seen?

MR. RIDER: I last saw her two days ago, but that was because we were separate, different shifts. She did not show up for work last night. I don't know if she went to her other job yesterday.

911 OPERATOR: Okay, have you tried calling the King County Jail and seeing if she is in there?

MR. RIDER: She wouldn't be in jail. She has never been in trouble a day in her life.

911 OPERATOR: Have you tried calling hospitals?

MR. RIDER: I don't have a phone book. I just moved to Maple Valley.

911 OPERATOR: Okay.

MR. RIDER: And our address -- if she was in an accident, our address is 350 East Bridger Lane (phonetic), Shelton, Washington. We just bought -- we are just buying a house, we just moved into it, up here in Maple Valley, so even if something did happen to her, no one would be able to tell.

Can you just check and see if there were any accidents involving Tanya Rider?

911 OPERATOR: Let me see if there's any -- okay.

1 (Brief pause in proceedings)

2 MR. RIDER: R-I-D-E-R.

3 911 OPERATOR: One moment, please.

4 (Brief pause in proceedings)

5 911 OPERATOR: I am not showing any injury  
6 accidents in that area, but I can connect you with state  
7 patrol and you can check if there are any injury accidents  
8 on the freeway.

9 MR. RIDER: Okay.

10 911 OPERATOR: Okay, stay on the line, please.

11 (Brief pause in proceedings)

12 911 OPERATOR: 911, what are you reporting?

13 Hello?

14 911 OPERATOR: Hi, it is King County with a non-  
15 emergency transfer. He wants to see if his wife has been in  
16 an accident.

17 911 OPERATOR: Okay.

18 (End of Call #1)

19 (Call 2 1059-1100 from Workplace)

20 911 OPERATOR: 911, what are you reporting?

21 WOMAN: Well, I am needing some help on figuring  
22 out how to do this. I have an employee who I just found out  
23 has been missing for two days. Her husband is frantic and I  
24 am trying to see if I can help him find out where to go to  
25 see if he can get some help to find her.

1 911 OPERATOR: Well, she is an adult, over 18?

2 WOMAN: Yes, ma'am.

3 911 OPERATOR: And where does she live at?

4 WOMAN: Maple Valley.

5 911 OPERATOR: Okay, the city of Maple Valley?

6 Where was she last scene, do you know?

7 WOMAN: Well, he says -- he is in a car now trying  
8 to find her, but last I talked to him, he had seen her --  
9 the last time he heard from her was Thursday night at home  
10 in Maple Valley.

11 911 OPERATOR: Okay. He -- I appreciate your  
12 concern, but he would be the one that would need to call us  
13 for any type of report.

14 WOMAN: Would it be you that he calls, though?  
15 That is what my concern is. He is having a hard time.

16 911 OPERATOR: King County Sheriff's Office.

17 WOMAN: King County Sheriff's Office?

18 911 OPERATOR: Yes.

19 WOMAN: Do you have a phone number that I can give  
20 him, please?

21 911 OPERATOR: 206.

22 WOMAN: 206.

23 911 OPERATOR: 296.

24 WOMAN: 296.

25 911 OPERATOR: 3311.

1 WOMAN: 3311.

2 911 OPERATOR: Yep.

3 WOMAN: Now he did say that he called somebody, he  
4 didn't tell me who, and they were told that they couldn't  
5 get him any information over the phone; is that correct?

6 911 OPERATOR: I don't know, it depends on -- I  
7 have no idea.

8 WOMAN: Okay. Okay, I will call him and have him  
9 call this number.

10 911 OPERATOR: Okay.

11 WOMAN: I appreciate your help.

12 911 OPERATOR: No problem.

13 (End of call two)

14 (Start of Call3-1102-1105 xfr to BELLPD)

15 911 OPERATOR: Police services.

16 MR. RIDER: Hi, I am on the other -- my wife is  
17 missing and I was given this number to call. My wife's name  
18 is Tanya Rider. A

19 911 OPERATOR: Okay. What address was she last  
20 seen to be at?

21 MR. RIDER: Well the address on her driver's  
22 license is 350 East Bridger Lane, Shelton, WA 98584.

23 911 OPERATOR: And was she seen in King County?

24 MR. RIDER: She works at the Nordstrom Rack in  
25 Factoria and also at the Fred Meyer in Bellevue, and we

1 recently moved to Maple Valley. We still have property out  
2 in Shelton, but --

3 911 OPERATOR: Okay, and when is the last time she  
4 was seen? Do you know if she ever went to work, or if she  
5 has been in Maple Valley?

6 MR. RIDER: Yes, she has gone to work for the last  
7 two weeks. Last time -- I am trying to find out exactly  
8 when the last time she worked is, but I just got a call  
9 from -- we work separate, different shifts, so we don't see  
10 each other, so last time she called me was Thursday at  
11 10:30, and that was when she was -- I am pretty sure leaving  
12 here, where I am at right now, the Nordstrom Rack in  
13 Bellevue.

14 911 OPERATOR: Okay, can you get an address for  
15 that? I want to make sure that I have you talk to the right  
16 police department.

17 (Brief pause in proceedings)

18 MR. RIDER: Okay, last time we saw her --  
19 Wednesday was the last time -- Wednesday was her last day  
20 here at work.

21 911 OPERATOR: Okay. Can he give you the address  
22 there?

23 MR. RIDER: What is the address here?

24 (Brief pause in proceedings)

25 MR. RIDER: 3920 124th Avenue Southeast, Bellevue,

1 Washington.

2 911 OPERATOR: Okay. All right. Hang on just a  
3 moment, I need to have you talk to the Bellevue Police  
4 Department. Jurisdiction for a missing adult is based on  
5 where they were last seen, so if you believe the last place  
6 someone actually saw her was --

7 MR. RIDER: The last places I know that someone  
8 saw her was here.

9 911 OPERATOR: Was there? Okay. Hold on, let me  
10 get Bellevue Police on the phone with us.

11 (Brief pause in proceedings)

12 911 OPERATOR: Emergency, is this police, fire or  
13 medical?

14 911 OPERATOR: County.

15 911 OPERATOR: Hi County.

16 911 OPERATOR: I will be transferring over a  
17 police transfer. I haven't connected the caller yet. I  
18 just wanted to let you know what was going on.

19 He is wanting to report his wife is missing. She lives  
20 in Shelton but she was last seen at her place of work, which  
21 is at the Nordstrom Rack in Factoria.

22 The address is 3920 124th Ave. SE.

23 911 OPERATOR: Okay.

24 911 OPERATOR: He is there now with them -- I  
25 believe her boss or another employee. Okay? Thank you.

1 (End of call)

2 (Start of Call 4-1118-1121 from workplace)

3 911 OPERATOR: Police services.

4 ROXANNA: Hey, this is Roxanna calling from the  
5 Bellevue Fred Meyer store, and I called a little bit ago  
6 because I wanted to get some information for somebody,  
7 because one of my employees is missing, and I know that  
8 there is an officer out -- going to their home to take a  
9 report.

10 Something is not right with this guy's story, and I  
11 just need to let somebody know that.

12 911 OPERATOR: Is this the guy that lives in Maple  
13 Valley and is reporting --

14 ROXANNA: Yes.

15 911 OPERATOR: -- his wife missing from -- that  
16 lives in Shelton, I believe?

17 ROXANNA: She is from Maple Valley. Her name is  
18 Tanya Rider.

19 911 OPERATOR: Yeah, I did speak to him and  
20 someone from Nordstrom Rack about it.

21 Do you know where the officers are going out to, like  
22 what address?

23 ROXANNA: I have an address for them.

24 Something is just not right with this guy's story.

25 The address that I have for her is 23115 243rd Pl.

1 SE in Maple Valley.

2 911 OPERATOR: Could it be SE. 243rd Pl.?

3 ROXANNA: I've got -- well, I have got -- 240 3rd  
4 Pl. SE. Yes. I'm sorry.

5 911 OPERATOR: That's okay.

6 And so you believe that officers are already en route  
7 there? I am not showing a call.

8 ROXANNA: He called me.

9 911 OPERATOR: Um-hum?

10 ROXANNA: And this guy better not be lying to me.  
11 He called me and said that -- because I gave him this phone  
12 number, and he called me and said that you guys were sending  
13 an officer out to their house to do a report.

14 911 OPERATOR: Okay.

15 Hold on just a moment. I know that I did talk to --  
16 because I talked to him before, and I got Bellevue Police on  
17 the line -- because the way that police agencies normally  
18 base jurisdiction on where the missing adult was last known  
19 to be --

20 ROXANNA: Right?

21 911 OPERATOR: -- verified? And he did verify  
22 that she did go to work at Nordstrom Rack, so let me get  
23 them on the phone and see if they have a call on this since  
24 I am not finding one.

25 ROXANNA: Thank you.

1                   911 OPERATOR: Okay.

2                   911 OPERATOR: Emergency, police, fire or medical?

3                   911 OPERATOR: Hi, it is County. Are you guys  
4 taking a call about a missing person, missing adult who was  
5 last seen at the Factoria Nordstrom Rack?

6                   911 OPERATOR: Right.

7                   911 OPERATOR: Okay.

8                   I have a caller on the line. She works at the Bellevue  
9 Fred Meyer, which apparently this missing person also works  
10 at, and she thinks that the story doesn't quite sound right.  
11 She thinks that, you know, he might be making something up  
12 or there is something suspicious about it, so she is wanting  
13 to talk to you guys.

14                   911 OPERATOR: Okay.

15                   911 OPERATOR: Okay, let me transfer her. I will  
16 put you through.

17                   (End of call)

18                   (Start of Call 5 - 1341-1342 xfr - dropped)

19                   911 OPERATOR: 911, what are you reporting?

20 Hello?

21                   MR. RIDER: Hello.

22                   911 OPERATOR: Hi. Can I help you, sir?

23                   MR. RIDER: Yeah, my name is Tom Rider and I want  
24 to report a missing person. And I need to speak with the  
25 King County Sheriff's Department for Maple Valley.

1                   911 OPERATOR: This is the King County Sheriff's  
2 Office.

3                   How do you know this person?

4                   MR. RIDER: She is my wife.

5                   911 OPERATOR: Okay, and where was she last seen,  
6 what area, sir?

7                   MR. RIDER: Well the area she was last -- that I  
8 know she was last seen in was Bellevue. I spoke with an  
9 Officer Okina up there, and she said that I need to file one  
10 down here.

11                   911 OPERATOR: Okay, so they were taking -- okay.  
12 Stay on the line, sir, I will get you over to another  
13 operator so we can get all the information and assist you.  
14 One moment, please.

15                   (End of call five)

16                   (Start of call 6 1355-1411)

17                   911 OPERATOR: 911, what are you reporting?

18                   MR. RIDER: A missing person and I was just on the  
19 line but my cell phone dropped the call waiting to be  
20 transferred to Maple Valley King County Sheriff's Office.

21                   911 OPERATOR: Okay, this is the call center for  
22 them.

23                   And how old is this missing person?

24                   MR. RIDER: The missing person is in her 30s.

25                   911 OPERATOR: And is there -- where does he

1 live -- or where was he last seen?

2 MR. RIDER: She was last seen in Bellevue. I  
3 spoke with Officer Okina up there. My wife has been missing  
4 for two days.

5 911 OPERATOR: Okay, hold on one second. Let me  
6 get you over to someone who can help you.

7 (Long pause in proceedings)

8 911 OPERATOR: Nonemergency.

9 MR. RIDER: Yeah, I would like to report a missing  
10 person.

11 911 OPERATOR: Okay, how old is this person?

12 MR. RIDER: Born in 1974, that makes her -- 34.

13 911 OPERATOR: Okay, what is the address that she  
14 was last seen at?

15 MR. RIDER: Well the last time I can track down  
16 where anyone actually saw her was in Bellevue, and Officer  
17 Okina asked me to open a case here since this is where we  
18 live and you can monitor the house if she returns.

19 911 OPERATOR: And what are the circumstances?

20 MR. RIDER: She went to work, hasn't come back.

21 911 OPERATOR: Okay, she have serious medical  
22 problems?

23 MR. RIDER: She suffers from depression.

24 911 OPERATOR: Okay, has she been suicidal?

25 MR. RIDER: No.

1                   911 OPERATOR: Okay.

2                   MR. RIDER: Not lately.

3                   911 OPERATOR: Okay, has there been any activity on  
4 any bank accounts, credit cards?

5                   MR. RIDER: The only one I can't check is her  
6 Nordstrom Visa. I am not on that one.

7                   911 OPERATOR: Okay, and she is supposed to work  
8 today or yesterday or?

9                   MR. RIDER: She's been -- Thursday at 9 AM she got  
10 off work at the Bellevue Fred Meyer, and she didn't show up  
11 for work last night.

12                   We work in opposite shifts, so we hardly ever see each  
13 other, anyway, but she didn't show up for work last night or  
14 the last two days for the Nordstrom Rack.

15                   911 OPERATOR: Okay, have you checked jails and  
16 the hospitals?

17                   MR. RIDER: Checked hospitals. My wife has never  
18 done a thing wrong in her life.

19                   911 OPERATOR: You still need to check the area  
20 jails.

21                   MR. RIDER: Well, she is not in jail, I can  
22 guarantee you that. She doesn't drink. She is allergic to  
23 alcohol. There is no other reason she would ever be  
24 arrested.

25                   911 OPERATOR: Well you're still -- if we take a

1 report on a missing person, you're still required to call  
2 the jails in the area and check.

3 MR. RIDER: Fine. I will call the jails.

4 911 OPERATOR: She is an adult. Unless, you know,  
5 there's --

6 MR. RIDER: I am telling you, she is not in jail.  
7 Somebody has done something to her --

8 911 OPERATOR: And why do you say that? -- because  
9 she -- has there been somebody stalking her or following  
10 her?

11 MR. RIDER: Not that she has mentioned, but my  
12 wife is not like this. We just recently bought a new  
13 Element and I am wondering if someone wanted the Element bad  
14 enough to hurt her.

15 My wife is gone and you are talking to me like she just  
16 walked away.

17 911 OPERATOR: Okay.

18 MR. RIDER: No.

19 911 OPERATOR: Which is -- most of the missing  
20 person reports that we take, a lot of times is what  
21 happened.

22 MR. RIDER: This isn't most of your missing person  
23 reports, so get that out of your head.

24 911 OPERATOR: Yeah. Well. You need to call the  
25 jails in the area.

1 MR. RIDER: I will call the jails.

2 911 OPERATOR: Yeah? I can give you the number  
3 for the King County --

4 MR. RIDER: You need to start looking for her car.

5 911 OPERATOR: I'm sorry, sir?

6 MR. RIDER: The police need to start looking for  
7 her car.

8 911 OPERATOR: We don't go out actively searching  
9 for missing people.

10 I can give you the phone number for the jail.

11 MR. RIDER: Go ahead.

12 911 OPERATOR: It is 206-296 --

13 MR. RIDER: 29 what?

14 911 OPERATOR: 296-1234.

15 You can call that --

16 MR. RIDER: I'm doing my part now. She has got a  
17 brand-new Honda Element. Since she's not in -- wasn't  
18 involved in any accidents, it is most likely stolen and  
19 somebody has done something to her.

20 911 OPERATOR: Okay, well you don't know that for  
21 sure, sir. Okay?

22 You also need to call and check some of the other area  
23 jails.

24 Where does she live, what part of the county?

25 MR. RIDER: Maple Valley.

1                   911 OPERATOR: Okay, you can call the Kent Jail  
2 and the Renton Jail, as well. Those numbers are listed in  
3 the blue pages under their specific cities.

4                   Okay?

5                   MR. RIDER: Can you send an officer over to at  
6 least take a report -- 26135 243rd Pl. SE. --

7                   911 OPERATOR: Officers don't take police reports  
8 in person. It is not the police officers that take reports  
9 like this.

10                  And at this point she doesn't meet the criteria for us  
11 taking a missing persons report.

12                  She is an adult. She can go wherever she pleases. She  
13 doesn't have to tell people.

14                  Just because she has missed work -- did you guys have  
15 any arguments?

16                  MR. RIDER: No.

17                  911 OPERATOR: Discussions, problems? Have you  
18 checked any of the other family members in the area?

19                  MR. RIDER: We are buying a house in Maple Valley.

20                  911 OPERATOR: Have you contacted any other family  
21 members that she may go to?

22                  MR. RIDER: I can't talk to her family members.

23                  911 OPERATOR: I'm sorry?

24                  MR. RIDER: She doesn't like her family.

25                  911 OPERATOR: Okay, have you talked to any of the

1 family members to see if they have talked to her or heard  
2 from her?

3 MR. RIDER: Yes, I have; they have not.

4 911 OPERATOR: Okay.

5 Does she have any other friends in the area that she  
6 would go to?

7 MR. RIDER: Depression. She doesn't have any  
8 friends.

9 911 OPERATOR: Okay.

10 I am going to put you on hold real quick. Just a  
11 moment.

12 (Brief pause in proceedings)

13 911 OPERATOR: Okay, so you are still going to  
14 need to check with the jails in the area, Kent and --

15 MR. RIDER: I know. I have more than one cell  
16 phone.

17 911 OPERATOR: Okay.

18 At that point, after you have checked all of the jails  
19 in the vicinity: Kent, Auburn, Renton -- King County  
20 jails --

21 MR. RIDER: Um-hum?

22 911 OPERATOR: -- then we will go from there.

23 Like I say, at this point she does not meet the  
24 criteria to take a missing person's report on. She is an  
25 adult, she has not been suicidal.

1           Just because somebody takes antidepressants doesn't  
2           mean that they have got a serious medical problem.

3           MR. RIDER: She doesn't take antidepressants. She  
4           was diagnosed with depression --

5           911 OPERATOR: Okay.

6           MR. RIDER: -- at 18. She took antidepressants  
7           for a long time and then she got off of them and she started  
8           just trying to monitor with health foods, and she has been  
9           doing quite well for a long time.

10          911 OPERATOR: Okay.

11          MR. RIDER: She has had thoughts that she has  
12          discussed with me, just not recently.

13          911 OPERATOR: Okay, well --

14          MR. RIDER: I don't she did anything to herself; I  
15          think that someone has done something to her, and I know  
16          that I wasn't there to witness something happening, so you  
17          don't really want to take a report on it --

18          911 OPERATOR: No, it is just that it doesn't meet  
19          the criteria for us taking a report. So at this time you  
20          just need to continue checking the jails and the hospitals  
21          in the vicinity --

22          MR. RIDER: How long does she have to be missing  
23          before you will take a report?

24          911 OPERATOR: There is no set time.

25          MR. RIDER: What you are telling me is unless she

1 turns up dead, you're not going to care?

2 911 OPERATOR: Well, what we are telling you is  
3 that she doesn't meet the criteria --

4 MR. RIDER: [UNINTELLIGIBLE] tomorrow  
5 [UNINTELLIGIBLE].

6 911 OPERATOR: What we are telling you is she  
7 doesn't meet the criteria.

8 Okay, we don't go actively searching for missing  
9 people, sir.

10 MR. RIDER: I see.

11 911 OPERATOR: We don't go out looking for people  
12 that are missing -- which is this is what she is considered  
13 at this point is a missing person, if she's gone.

14 So you check in the jails and the hospitals.

15 MR. RIDER: I have called all of the hospitals. I  
16 have went to the hospitals.

17 911 OPERATOR: And you just need to continue  
18 checking them, keep monitoring her checking accounts, any  
19 credit cards that she has.

20 MR. RIDER: So basically you are telling me --

21 911 OPERATOR: If you have access to any Internet  
22 information that she could use, any e-mail.

23 MR. RIDER: Well since the computer is here and  
24 all of her clothes are here and the only thing she has is  
25 her work uniform and her car, and the check books are

1 here -- I am telling you, something has happened to my wife,  
2 and you are treating it like, "Oh, this fucking idiot, his  
3 wife just left him. Oh, the hell with it."

4 911 OPERATOR: No, I am telling you that it  
5 doesn't make the criteria for a missing --

6 MR. RIDER: Her clothes are here, her checkbooks.

7 911 OPERATOR: Sir? I am going to -- you need to  
8 call the jails in the vicinity.

9 MR. RIDER: I am waiting on hold for --

10 911 OPERATOR: Okay, and until you do that, we are  
11 not going to be taking a report.

12 MR. RIDER: Maybe I will just call the media and  
13 complain to them.

14 (End of call)

15 (Start of call 7-0944-0959)

16 911 OPERATOR: 911, what are you reporting?

17 MR. RIDER: A missing person.

18 911 OPERATOR: From what address? What address  
19 were they last seen at?

20 MR. RIDER: The address they were last seen at is  
21 in Bellevue and Bellevue has her on parking lot camera  
22 leaving her work, so they told me to file here.

23 911 OPERATOR: Okay, and what address -- what is  
24 her address that she lives at, then?

25 MR. RIDER: 26135 243rd Place Southeast, Maple

1 Valley, Washington.

2 911 OPERATOR: Okay, let me transfer you to  
3 somebody who can speak to you further. Hang on.

4 (Brief pause in proceedings)

5 911 OPERATOR: Nonemergency operator 65, how may I  
6 help you?

7 MR. RIDER: My wife has been missing for 4 1/2  
8 days now.

9 911 OPERATOR: What is going on? I can't hear  
10 you.

11 MR. RIDER: I had you on the speakerphone.

12 911 OPERATOR: Okay.

13 MR. RIDER: My wife is missing -- been missing for  
14 4 1/2 days now.

15 911 OPERATOR: And what is your address?

16 MR. RIDER: 26135 243rd Pl. SE., Maple Valley.

17 911 OPERATOR: And how old is your wife?

18 MR. RIDER: Thirty-four.

19 911 OPERATOR: And where did she go or what is the  
20 story here?

21 MR. RIDER: Well, she was last seen leaving her  
22 work on --

23 911 OPERATOR: Where does she work?

24 MR. RIDER: Bellevue -- but Bellevue says that  
25 since she was last seen on camera getting into her car and

1 leaving her work, that I have to file here so you guys can  
2 check on the house.

3 911 OPERATOR: Do you live together?

4 MR. RIDER: Yes.

5 911 OPERATOR: So she was last seen -- did she say  
6 anything? Did you have a fight? Did anything happen that  
7 day?

8 MR. RIDER: No fights.

9 911 OPERATOR: And is she -- does she have any  
10 problems, mental or physical?

11 MR. RIDER: She suffers from depression.

12 911 OPERATOR: And do you know the vehicle number?

13 MR. RIDER: 2007 Honda Element. She hasn't picked  
14 up the plates yet.

15 911 OPERATOR: Oh, it is brand-new, no plates?

16 MR. RIDER: Except for the window tag.

17 911 OPERATOR: Well, you wouldn't know what the  
18 number is.

19 Where did you buy the vehicle?

20 MR. RIDER: Renton Honda. We also bought the car  
21 protection thing or something like that. They are supposed  
22 to be able to locate it.

23 911 OPERATOR: And did they? Have you tried it?

24 MR. RIDER: It has to come through the police.

25 I believe that her car has been stolen and something

1 has happened to her, so I would like to go ahead and report  
2 her car stolen, too.

3 911 OPERATOR: Well I can't report her car stolen  
4 until we know it is stolen. I mean just because you don't  
5 know where it is doesn't mean it is stolen.

6 She was last seen in it, so we can't take a stolen  
7 vehicle report -- but if there is something in it -- was it  
8 called LoJack system?

9 MR. RIDER: Not LoJack, it is -- I -- car  
10 replacement program is supposed to have a locator in it in  
11 case it gets stolen. Replace it for you if it is damaged  
12 beyond repair.

13 911 OPERATOR: Right. And how does it -- how do  
14 you access it?

15 MR. RIDER: I guess Renton Honda would be able to  
16 access it, but I don't know.

17 911 OPERATOR: Have you called them?

18 MR. RIDER: I have called them to see if she  
19 picked up the plates and she hasn't.

20 911 OPERATOR: I am going to need you to call them  
21 and find out how you access this, because I have no idea.  
22 And if we need to get involved to access this, that is not a  
23 problem, but we need to know how it is done -- because if  
24 she is missing and the vehicle is missing, possibly they are  
25 together somewhere. If we could find out where the vehicle

1 is, maybe that's where she is -- and we are more than  
2 willing to get involved to help to do whatever we can with  
3 the car -- to locate the car, but we have to know how to do  
4 it.

5 MR. RIDER: Yeah. I'm calling Renton Honda right  
6 now.

7 911 OPERATOR: In the meantime, what is your  
8 wife's last name?

9 MR. RIDER: Rider, R-I-D-E-R.

10 (Brief pause in proceedings)

11 911 OPERATOR: What is her first name?

12 MR. RIDER: First name is Tanya, T-A-N-Y-A.

13 (Mr. Rider can be heard having a discussion with  
14 the car dealership in the background)

15 (Brief pause in proceedings)

16 COUNCILMEMBER

17 (Mr. Rider is connected with someone else to  
18 discuss how the car locator works. He can be heard speaking  
19 in the background as follows:

20 UNKNOWN PERSON: How can I help you?

21 MR. RIDER: Me and my wife recently purchased a  
22 Honda Element from there. We purchased the car insurance or  
23 whatever it is called.

24 Is there a way that you can locate the car?

25 UNKNOWN PERSON: Have you called the police about

1 this?

2 MR. RIDER: I have him on my other phone in my ear  
3 right now, and he doesn't know how to access that system,  
4 and I was hoping that you could enlighten him.

5 UNKNOWN PERSON: What is your last name?

6 MR. RIDER: Rider, R-I-D-E-R.

7 UNKNOWN PERSON: First name?

8 MR. RIDER: Tanya and Tom.

9 UNKNOWN PERSON: What kind of car is it?

10 MR. RIDER: 2007 Honda Element.

11 UNKNOWN PERSON: And what is the address?

12 MR. RIDER: The address on the registration is 350  
13 Bridger Lane.

14 UNKNOWN PERSON: You said there is Tanya Rider?

15 MR. RIDER: Well it is Tanya, but it is spelled T-  
16 A-N-Y-A.

17 UNKNOWN PERSON: I think that she is the only one  
18 on the car, so I can't release information. Do you not have  
19 the paperwork?

20 MR. RIDER: I am on the car, as well.

21 UNKNOWN PERSON: Okay. Well by law,

22 [UNINTELLIGIBLE].

23 MR. RIDER: Are you hearing this, officer?

24 911 OPERATOR: Yeah, I am.

25 MR. RIDER: Okay.

1                   911 OPERATOR: It is a community property state.  
2 It is as much your vehicle as it is --

3                   MR. RIDER: Community property state and my name  
4 is also on the registration.

5                   She is registered owner -- or legal owner, I am the  
6 registered owner. Check your facts.

7                   UNKNOWN PERSON: [UNINTELLIGIBLE].

8                   MR. RIDER: Yes.

9                   I am on -- I came in and signed for the registration,  
10 too. I am on the car.

11                   UNKNOWN PERSON: [UNINTELLIGIBLE].

12                   MR. RIDER: It was my goddamned money and my  
13 fucking credit that got the goddamned car and you are going  
14 to tell me you can't tell me anything?

15                   911 OPERATOR: They will find it.

16                   (Brief pause in proceedings)

17                   MR. RIDER: I haven't really slept in the last 48  
18 hours.

19                   911 OPERATOR: I bet.

20                   MR. RIDER: I am just a little bit grumpy. I have  
21 checked with all of -- I have driven by all of her family's  
22 houses --

23                   911 OPERATOR: Have you --

24                   MR. RIDER: I have checked all the jails like I am  
25 supposed to. I checked every hospital. I have had an

1 eventful last 24 hours; I have been everywhere -- going  
2 in case something happened and she didn't have her ID on her  
3 in case she was in there under a Jane Doe.

4 911 OPERATOR: Right.

5 Does she have credit cards with her? You might go  
6 online or call the banks?

7 MR. RIDER: Nordstrom won't -- I have access to  
8 all the other credit cards.

9 911 OPERATOR: Well she wouldn't use Nordstrom.  
10 You probably need to look at credit cards where she might be  
11 buying --

12 MR. RIDER: It is a Nordstrom Visa.

13 911 OPERATOR: Well she might be buying gasoline  
14 or --

15 MR. RIDER: With the visa, yeah. It is a  
16 Nordstrom Visa.

17 911 OPERATOR: But it is only in her name?

18 MR. RIDER: That one is only in her name.  
19 Everything else is in both of our names and there has been  
20 no activity on any of our accounts for the last -- she  
21 hasn't even used her cell phone since last Thursday night at  
22 10:30 when she called me.

23 Wednesday morning at 9 AM she left work and that was  
24 the last time anybody seen her or heard from her. She has  
25 missed work --

1 (Brief pause in proceedings)  
2 MR. RIDER: Since they already have their money,  
3 they don't care.  
4 911 OPERATOR: Now --  
5 MR. RIDER: We've got our money, fuck you.  
6 911 OPERATOR: I will tell you what, I have to  
7 answer some calls. When you finish with her, call me back.  
8 MR. RIDER: Do you have a direct line?  
9 911 OPERATOR: No. Just call 296-3311. You can  
10 ask for operator 65, if I am available.  
11 MR. RIDER: 296-3311?  
12 911 OPERATOR: Right.  
13 MR. RIDER: 296-3311: 296-3311.  
14 Go ahead and go --  
15 911 OPERATOR: Okay.  
16 MR. RIDER: I can remember long enough to write it  
17 down.  
18 911 OPERATOR: Okay.  
19 (End of call)  
20 (Start of call 8 - 1008-1032)  
21 911 OPERATOR: Police services.  
22 MR. RIDER: Operator 65, please.  
23 911 OPERATOR: Hold on.  
24 (Brief pause in proceedings)  
25 911 OPERATOR: Operator 65.

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MR. RIDER: Hi, it is Tom Rider begin.

911 OPERATOR: Oh, hi. What did you find out?

MR. RIDER: They don't have a locator.

911 OPERATOR: So there is no locator in the car?

MR. RIDER: Yep.

911 OPERATOR: Okay.

MR. RIDER: And I can't find out what the temporary tag number is until someone can find it.

I know her plates that are sitting there what they are.

911 OPERATOR: Yeah, actually that would help if you know what they are. Hold on.

(Brief pause in proceedings)

911 OPERATOR: What are the plates?

MR. RIDER: 739 XPT. X as in x-ray, P as in Paul --

911 OPERATOR: Okay. X, P as in Paul, T as in Tom?

MR. RIDER: Yes.

911 OPERATOR: All right, let's see what that is. Hopefully that will work.

All right, give me your address again.

MR. RIDER: 2635 -- 26135 243rd Pl. SE., Babel Valley, Washington.

Nordstrom's card.

911 OPERATOR: And it is R-I-D-E-R, right?

1 MR. RIDER: Yeah.

2 911 OPERATOR: And what is the ZIP code there?

3 MR. RIDER: 98038.

4 911 OPERATOR: And what is your phone number?

5 MR. RIDER: 253-377-2968

6 911 OPERATOR: 2922?

7 MR. RIDER: 2968.

8 911 OPERATOR: 68.

9 And I forget, her middle initial is?

10 911 OPERATOR: For -- and what is the full middle  
11 name?

12 MR. RIDER: Lee, L-E-E.

13 911 OPERATOR: And what is her date of birth?

14 MR. RIDER: 6/25/74. You

15 911 OPERATOR: Okay, the license was 739-X as in  
16 x-ray, P as in Paul, T as in Tom?

17 MR. RIDER: That is correct.

18 911 OPERATOR: Okay, they probably haven't been  
19 assigned yet, because I am not getting anything on those.

20 No records. No record found.

21 All right.

22 MR. RIDER: [UNINTELLIGIBLE].

23 911 OPERATOR: Well, if they have assigned it to  
24 the vehicle, then you would think it would be in the system,  
25 but it is not.

1 MR. RIDER: Maybe because she still hasn't picked  
2 it up.

3 911 OPERATOR: That could be why. I don't know  
4 how DOL works. Maybe they haven't put them in the system  
5 until she picks them up. I don't know.

6 MR. RIDER: So they are still temporary tags,  
7 which I can't find out the number on that --

8 911 OPERATOR: Right.

9 MR. RIDER: -- until 11 o'clock when the finance  
10 department opens.

11 911 OPERATOR: Oh. Well knowing it is a  
12 temporary -- at least we know there are no plates on the  
13 vehicle, so that's -- that does help.

14 MR. RIDER: If someone stole it, put some plates  
15 on it so it wouldn't be so conspicuous, and they are driving  
16 it around. Four days worth of backed up mail. My wife  
17 always takes care of the mail.

18 911 OPERATOR: Okay, I show an address in Shelton.  
19 Did you guys just move?

20 MR. RIDER: Yes.

21 911 OPERATOR: Okay.

22 MR. RIDER: Well we haven't -- it is not really a  
23 move. We still own the property out there, we are just --

24 911 OPERATOR: Right?

25 MR. RIDER: -- building a house out there.

1                   911 OPERATOR: Oh, I see.

2                   MR. RIDER: All right. And we dug out for the  
3 foundation. There wasn't room for the RV we were staying in  
4 to be on the property, so we traded it in on the stupid  
5 Element. And then I bought a house from the company I work  
6 for -- because I got a good discount.

7                   911 OPERATOR: All right, bear with me. I am  
8 going to fill out a report and we will get her listed in the  
9 system as soon as we can.

10                  Okay, and what day was she seen leaving work?

11                  MR. RIDER: Wednesday morning at 9 AM.

12                  911 OPERATOR: Okay, that would be -- she was  
13 leaving work at 9 AM?

14                  MR. RIDER: Yes.

15                  911 OPERATOR: Does she work a night shift?

16                  MR. RIDER: [UNINTELLIGIBLE].

17                  911 OPERATOR: Yeah.

18                  MR. RIDER: They have her on video driving out of  
19 the parking lot.

20                  911 OPERATOR: Okay.

21                  MR. RIDER: Believe me, I have been doing my  
22 homework on what happens --

23                  911 OPERATOR: I bet you have.

24                  Is your legal name Thomas?

25                  MR. RIDER: Tommy.

1                   911 OPERATOR: Is what?  
2                   MR. RIDER: Tommy.  
3                   911 OPERATOR: T-O-M-M-Y?  
4                   MR. RIDER: Right.  
5                   That a pretty new bank card in the mail.  
6                   911 OPERATOR: And what is your middle name?  
7                   MR. RIDER: Michael, M-I-C-H-A-E-L.  
8                   911 OPERATOR: Okay, and your birth date?  
9                   MR. RIDER: 3/30/68.  
10                  911 OPERATOR: Okay. And what is your work  
11                  number?  
12                  MR. RIDER: I gave you my work cell phone.  
13                  911 OPERATOR: Oh, the 772 -- or 37 --  
14                  MR. RIDER: 377-2966.  
15                  911 OPERATOR: That is your cell phone?  
16                  MR. RIDER: My work cell phone. I am talking to  
17                  you on it right now.  
18                  911 OPERATOR: Okay.  
19                  MR. RIDER: I have another cell phone.  
20                  911 OPERATOR: Hold on, let me get that -- let me  
21                  get that one in here first.  
22                  All right, we want to know where to be able to contact  
23                  you, so --  
24                  MR. RIDER: I have these phones on 24/7 --  
25                  especially now.

1                   911 OPERATOR:. Yep.

2                   And what is the other cell phone?

3                   MR. RIDER: 360 --

4                   911 OPERATOR: Um-hum?

5                   MR. RIDER: 463-6574.

6                   And her cell phone --

7                   911 OPERATOR: I will get that in a minute. Hold

8                   on.

9                   Do you have a landline?

10                  MR. RIDER: No.

11                  911 OPERATOR: Okay.

12                  And what company do you work for?

13                  MR. RIDER: I work for Sound Built Homes.

14                  911 OPERATOR: Okay.

15                  MR. RIDER: And I also work for Papa John's.

16                  911 OPERATOR: Okay, I just need one.

17                  (Brief pause in proceedings)

18                  911 OPERATOR: Okay, and Tanya, is she white,

19                  black, Asian, Hispanic?

20                  MR. RIDER: White.

21                  911 OPERATOR: White? And what color are her

22                  eyes?

23                  MR. RIDER: Green.

24                  911 OPERATOR: And her hair?

25                  MR. RIDER: Blonde. It is long blonde hair.

1 5'10".

2 911 OPERATOR: Hold on. I am just about there.

3 And about how much does she weigh?

4 MR. RIDER: 144 or 150.

5 911 OPERATOR: Does she wear glasses? Is she  
6 wearing glasses now?

7 MR. RIDER: She probably is by now if she is still  
8 all right, because her contacts she can only wear for 12  
9 hours.

10 911 OPERATOR: Okay, but she -- last seen, was she  
11 wearing glasses?

12 MR. RIDER: Last seen she was wearing contacts.

13 911 OPERATOR: Okay.

14 And does she have any scars, marks, tattoos or  
15 piercings? -- that might help?

16 MR. RIDER: Nope.

17 911 OPERATOR: Does she pierce her ears?

18 MR. RIDER: Yeah, she doesn't wear any earrings.

19 911 OPERATOR: Okay, and do you know what she was  
20 wearing on Wednesday he was at work?

21 MR. RIDER: Black slacks and a white long-sleeved  
22 blouse.

23 911 OPERATOR: And do you know her Social Security  
24 number?

25 MR. RIDER: XXX-XX-5030. (First digits

1 intentionally omitted)

2 911 OPERATOR: 5020?

3 MR. RIDER: 30.

4 911 OPERATOR: 30. Okay.

5 And you guys -- you don't have a landline, right?

6 MR. RIDER: No.

7 911 OPERATOR: What is her cell phone number?

8 MR. RIDER: 360-463-6577.

9 911 OPERATOR: And who does she work for?

10 MR. RIDER: She works for the Nordstrom Rack and

11 also Fred Meyer in Bellevue.

12 911 OPERATOR: Okay, what does she do for

13 Nordstrom?

14 MR. RIDER: Loss prevention, [UNINTELLIGIBLE].

15 911 OPERATOR: Okay, and do you know her work

16 number?

17 MR. RIDER: 425 -- or no.

18 911 OPERATOR: That sounds right for Bellevue.

19 MR. RIDER: 425 -- 425-228-3440.

20 911 OPERATOR: Okay.

21 MR. RIDER: Oh, she called me on this phone that I

22 am talking to you. Make sure that's the right number.

23 911 OPERATOR: Okay.

24 MR. RIDER: That's correct.

25 911 OPERATOR: Yep.

1 MR. RIDER: Are you still there?

2 911 OPERATOR: Yes.

3 MR. RIDER: The last call she made to this phone  
4 was 425-

5 911 OPERATOR: Let me get back there real quick.  
6 Okay.

7 MR. RIDER: 865-8560.

8 911 OPERATOR: And you say that phone is dead now?  
9 I mean not that phone but the -- her cell phone?

10 MR. RIDER: That is the Fred Meyer.

11 911 OPERATOR: Okay.

12 But you said her cell phone is not working or dead?

13 MR. RIDER: It keeps ringing. No one is answering  
14 it --

15 911 OPERATOR: Okay.

16 MR. RIDER: -- means that somehow it is still  
17 charged.

18 911 OPERATOR: Okay.

19 MR. RIDER: Because if it was off, it would just  
20 go straight to -- "the cellular customer does not available"  
21 because she doesn't have her voicemail set up.

22 911 OPERATOR: Okay, and when she was in Bellevue  
23 getting out of work, she was getting out of work where?.

24 MR. RIDER: 9 AM, the Fred Meyer in Bellevue --

25 911 OPERATOR: At the Fred Meyer?

1 MR. RIDER: Yes.

2 911 OPERATOR: Okay, the Fred Meyer in Bellevue.  
3 Okay.

4 And she has never done this before?

5 MR. RIDER: No. We not only just purchased a  
6 brand-new car -- and that was the whole reason she was so  
7 happy to go to work --

8 911 OPERATOR: Right.

9 MR. RIDER: Her Social Security card is here. All  
10 of the checkbooks. And her new cards are downstairs. The  
11 only one that I don't have access to is the Nordstrom Visa.  
12 And they told me that I would have to have an officer call  
13 to check if there was any activity on it.

14 911 OPERATOR: Okay.

15 MR. RIDER: On that -- talking on the other line.

16 911 OPERATOR: Okay.

17 MR. RIDER: I'll call him back.

18 911 OPERATOR: Okay.

19 Oh, I thought it might be --

20 MR. RIDER: No, because that is the reason -- she  
21 is worried, too.

22 911 OPERATOR: And you have checked with all of  
23 her relatives?

24 MR. RIDER: Yes. I drove by all their houses last  
25 night.

1 911 OPERATOR: Have you tried calling them?

2 MR. RIDER: I don't know their numbers.

3 911 OPERATOR: Oh.

4 MR. RIDER: She hasn't talked to them in three  
5 years.

6 911 OPERATOR: Oh, I see.

7 MR. RIDER: But I know where they live so I drove  
8 by their houses.

9 911 OPERATOR: You might go by and knock on the  
10 door, but if she hasn't talked to them for three years, it  
11 is probably unlikely, but it would be something to check.

12 MR. RIDER: I wouldn't know what to say: "Hey, I  
13 haven't seen you in three years, your granddaughter  
14 missing."

15 911 OPERATOR: Yeah.

16 MR. RIDER: And they hate my guts. They think I  
17 took her away from them -- their granddaughter.

18 I need to pay bills here and I don't even know which  
19 checkbook is which.

20 911 OPERATOR: Yeah.

21 MR. RIDER: We have got \$64,000 in the bank.

22 911 OPERATOR: Wow.

23 MR. RIDER: And credit up to five. So if she was  
24 going to leave me --

25 911 OPERATOR: Yeah, she would have gotten some

1 money out.

2 MR. RIDER: Yeah.

3 She always said if she ever left me she would take  
4 everything. So I know she didn't leave me -- because she  
5 didn't touch nothing. Her pills are still here, all of her  
6 clothing -- everything that makes her, her.

7 911 OPERATOR: Do you know the name of her boss at  
8 Fred Meyer?

9 MR. RIDER: Roxanna. She has called me more than  
10 the Bellevue Police have. They just called me to say,  
11 "You'll have to file a -- down by where you live because she  
12 was last seen leaving --

13 911 OPERATOR: Right.

14 MR. RIDER: -- Fred Meyer, on camera, getting into  
15 her own car."

16 911 OPERATOR: Right.

17 Does she have any health problems that she takes like  
18 medication daily for?

19 MR. RIDER: She suffers from depression but she  
20 doesn't take medication for it. She eats at Whole Foods and  
21 avoids pesticides. She takes vitamins and stuff like that  
22 and minerals.

23 911 OPERATOR: Do you know, does she do drugs?

24 MR. RIDER: No, she doesn't -- she has never done  
25 a drug in her life.

1                   911 OPERATOR: And does she drink alcohol?

2                   MR. RIDER: She is allergic. If she drinks  
3 alcohol she gets a bladder infection.

4                   911 OPERATOR: Okay, and she probably doesn't do  
5 prostitution.

6                   MR. RIDER: No.

7                   911 OPERATOR: What is the name of her dentist, do  
8 you know?

9                   MR. RIDER: He is in Auburn. It has been a few  
10 years since she has seen him -- Dr. Houm?

11                   911 OPERATOR: Dr. what?

12                   MR. RIDER: H-O-U -- I would have to look it up.  
13 I just drive by his office and see --

14                   911 OPERATOR: That's all right, we don't need  
15 that right now. I wouldn't know my own wife and she goes  
16 every six months. I don't know his name.

17                   And she doesn't have a caseworker or anybody she works  
18 with -- like DSHS or --

19                   MR. RIDER: No.

20                   911 OPERATOR: Okay.

21                   MR. RIDER: She used to, a long time ago when I  
22 first met her.

23                   911 OPERATOR: Right.

24                   And you said she has not left before, correct?

25                   MR. RIDER: No, she hasn't. And I'm sorry, I

1 might have misquoted her age. I think she may be -- '74 --  
2 33.

3 911 OPERATOR: Which?

4 MR. RIDER: Her birth year is '74, and I am not  
5 thinking all too clearly. She is six years younger than me.

6 911 OPERATOR: Yeah, it is '74. 6/25/74.

7 MR. RIDER: Well, but her age, I think I said she  
8 was 34.

9 911 OPERATOR: Oh, that's all right, she is --  
10 yeah. That's fine. I don't have to figure it out, my  
11 system does. If I put in her date of birth, it tells me.  
12 So that's fine.

13 MR. RIDER: She would kill me for adding years.

14 911 OPERATOR: You are adding years to her, I  
15 know.

16 All right, let me give you a case number.

17 Hold on one second. Tell me when you have a pencil.

18 MR. RIDER: I have a pen but it is downstairs.

19 911 OPERATOR: All right.

20 MR. RIDER: Okay.

21 911 OPERATOR: Oh, I do need some more  
22 information, though.

23 It is -- the new vehicle, it is a 2007 -- let's see,  
24 did I write that down already? 2007 Honda Element, right?

25 MR. RIDER: Yes, blue.

1                   911 OPERATOR: Blue?

2                   MR. RIDER: Silver running boards.

3                   911 OPERATOR: And those are like minivans or are

4 they SUVs?

5                   MR. RIDER: SUVs.

6                   911 OPERATOR: SUVs. Okay, and -- okay, that's

7 all I --

8                   MR. RIDER: It is like an SUV with a third door --

9 the doors that open up backwards?

10                  911 OPERATOR: Oh, right. Right.

11                  Okay, let me give you a case number.

12                  It is 284 -- I'm sorry, I'll start out again.

13                  07-284580.

14                  MR. RIDER: [UNINTELLIGIBLE].

15                  911 OPERATOR: Actually, 284,580.

16                  MR. RIDER: Today?

17                  911 OPERATOR: Oh, no, no, no, that is since

18 January -- although I'm not actually sure they start with

19 one. I wasn't here in January, so I don't know whether they

20 started with 001 or not -- but anyway, what is going to

21 happen is we are going to list her, and this listing will go

22 not just -- it will go not just countywide, it will go

23 statewide and countrywide.

24                  So if she is --

25                  MR. RIDER: [UNINTELLIGIBLE] morgues but I can't

1 bring myself to do that.

2 911 OPERATOR: Anyway, if she is found and someone  
3 runs her name anywhere in the country, they will know that  
4 she is missing and they will call. That is why I needed  
5 your numbers. All right?

6 If you find out more information, feel free to call  
7 back and use that number.

8 MR. RIDER: No problem.

9 911 OPERATOR: Okay?

10 MR. RIDER: Thank you, sir.

11 911 OPERATOR: Okay. Bye.

12 (End of call)

13 (Call 9out -1111-1115)

14 (Sound of telephone ringing)

15 MR. RIDER: This is Tom.

16 911 OPERATOR: Tom, hi, this is operator 65 with  
17 King County.

18 MR. RIDER: Yes, sir?

19 911 OPERATOR: I just -- a couple of things. If  
20 you could go ahead and call the vehicle -- the Honda  
21 dealership when the finance people come in, because if we  
22 can get the number on the placard in the window, it would  
23 help us.

24 MR. RIDER: No problem.

25 911 OPERATOR: And if possible, and this is

1 probably more important than the placard because the placard  
2 could have been removed, if they will give you the VIN  
3 number that would be something we really could use.

4 MR. RIDER: I should have the VIN number in the  
5 house.

6 911 OPERATOR: Oh, okay. That I could use right  
7 now, then.

8 (Brief pause in proceedings)

9 MR. RIDER: We just got the life insurance policy  
10 on the --

11 911 OPERATOR: Oh, yeah, and that would have the  
12 VIN.

13 MR. RIDER: On the vehicle loan.

14 (Brief pause in proceedings)

15 MR. RIDER: I can't find -- the VIN number is 5J  
16 as in John --

17 911 OPERATOR: Okay, hold on. 5 J as in John.

18 MR. RIDER: 6 Y as in your yodel -- H as in Harry  
19 8767L as in Larry 006977.

20 MR. RIDER: Okay.

21 Yeah, it is not -- the whole thing isn't entered, but  
22 let's make sure I have got it right. It is 5J -- John --  
23 6Y -- young -- H, Henry -- 8767 --

24 MR. RIDER: 2. There is a 2 in there after the 8.

25 911 OPERATOR: Oh. Okay, I must have missed that.

1 Okay.

2 H28767L-Larry-006977?

3 MR. RIDER: That is correct.

4 911 OPERATOR: Okay, let me run that again.

5 I always check because VINs with that many numbers in  
6 it, it is real easy for me to make a mistake.

7 (Brief pause in proceedings)

8 911 OPERATOR: And there it is. I have got it.

9 I wonder why it didn't come up by license? 2007 Honda.

10 MR. RIDER: It's in there?

11 911 OPERATOR: Yeah, it is in there, 739XBP, but  
12 it didn't come up --

13 MR. RIDER: Oh, BP?

14 911 OPERATOR: It is B as in boy P as in Paul.  
15 That's why.

16 MR. RIDER: Oh, I misunderstood it when she told  
17 me.

18 911 OPERATOR: Yeah, it is hard. Saying letters  
19 over the phone is hard. We always try to use names like B  
20 boy, P Paul, so that we don't -- but anyway, I found it.  
21 That's great.

22 Okay.

23 MR. RIDER: It would be better if you found her.

24 911 OPERATOR: It really would.

25 I think we are going to go ahead and send an officer

1 out to talk to you about this.

2 MR. RIDER: Okay.

3 911 OPERATOR: And are you going to be home for a  
4 while?

5 MR. RIDER: I have got nowhere to go today.

6 911 OPERATOR: Okay. All right, I can't guarantee  
7 it will be any time soon. It depends on how busy they are.

8 MR. RIDER: I understand.

9 911 OPERATOR: But we will send one out to talk to  
10 you.

11 MR. RIDER: It depends on how many idiots are out  
12 today.

13 911 OPERATOR: That is exactly right.

14 All right, well thanks for the information. I don't  
15 need the placard number now.

16 MR. RIDER: Okay.

17 911 OPERATOR: The VIN number will help us  
18 actually more than that to identify the vehicle, if we find  
19 in. So -- and then I will send the officer out to talk to  
20 you.

21 MR. RIDER: Thank you.

22 911 OPERATOR: Okay. Bye.

23 (End of call)

24 (Call Seradio-1346-1445)

25 911 OPERATOR: [UNINTELLIGIBLE].

1 HENRY 21: Henry 21, I copy.  
2 911 OPERATOR: I've got [UNINTELLIGIBLE] Pete up.  
3 CAR 78: Car 78, 10-8.  
4 911 OPERATOR: Car 78.  
5 09693: 09693. Break for follow-up. I'm going to  
6 start the search and rescue at -- the female -- at 169 And  
7 Jones Rd. -- under 284580. I am at [UNINTELLIGIBLE] now  
8 getting resources.  
9 911 OPERATOR: Okay. 284580 is the case number,  
10 sir?  
11 POLICE OFFICER: It is.  
12 911 OPERATOR: Do you want a re-heading again,  
13 sir?  
14 POLICE OFFICER: That's our 169 on the Jones Road  
15 -- somewhere on there.  
16 POLICE OFFICER: We have [UNINTELLIGIBLE].  
17 911 OPERATOR: Car 180.  
18 I can't hear you, ma'am, 10-9?  
19 POLICE OFFICER: Looking for guardian one.  
20 POLICE OFFICER: Guardian one right here.  
21 POLICE OFFICER: [UNINTELLIGIBLE] three.  
22 911 OPERATOR: Go ahead.  
23 POLICE OFFICER: The latest from Verizon is that  
24 it is actually hidden off the southeast of that tower. We  
25 are about five or 6 minutes out.

1                   911 OPERATOR: Okay.

2                   We can give you the latitude/longitude at that tower or  
3 if the address works for you.

4                   POLICE OFFICER: Yeah, it works fine. We have got  
5 it plugged in.

6                   911 OPERATOR: [UNINTELLIGIBLE] 1.

7                   POLICE OFFICER: En route to the Frank Terry  
8 [UNINTELLIGIBLE].

9                   911 OPERATOR: Okay, thank you. Do you need any  
10 numbers?

11                   POLICE OFFICER: Sure. Go ahead, ma'am.

12                   911 OPERATOR: 03715 -- 06650.

13                   POLICE OFFICER: 03715 and 066 what?

14                   911 OPERATOR: 50.

15                   POLICE OFFICER: 178.

16                   911 OPERATOR: 178.

17                   POLICE OFFICER: Okay, I have guardian one on tack  
18 three.

19                   POLICE OFFICER: Frank one. Am I going to be the  
20 fifth?

21                   POLICE OFFICER: 470, guardian one.

22                   911 OPERATOR: Go ahead.

23                   POLICE OFFICER: Hey, just under you now.

24                   For a reference point, probably start about the old  
25 county shops -- you know where those are out on 169? And

1           then head south from there.

2                     911 OPERATOR: Affirm.

3                     POLICE OFFICER: Our latest information is it  
4 would be a 3 to 5 mile range southeast of the towers, which  
5 are right about the gravel pits there at Gillington  
6 (phonetic) and Maple Valley Highway.

7                     911 OPERATOR: Okay.

8                     POLICE OFFICER: I will be back on the main.

9                     POLICE OFFICER: 78 to 170.

10                    POLICE OFFICER: Go ahead.

11                    POLICE OFFICER: Where is a good meeting place  
12 down there for the van type vehicles with people?

13                    POLICE OFFICER: I think your best bet would be  
14 the -- just to go -- have to go past it. North end of Jones  
15 Road. It is in the city of Renton. There is a big baseball  
16 field and whatnot. That will give you plenty of space and  
17 you are within a mile of it -- for a launch point.

18                    POLICE OFFICER: Okay, at the highway there? At  
19 the very south end of the city?

20                    POLICE OFFICER: Exactly. I will give you the  
21 name here in about 3 seconds -- I think. I will see the  
22 name. It is Ron Regis Park, I think it is called.

23                    POLICE OFFICER: What is the cross street there,  
24 is it 140th or?

25                    POLICE OFFICER: No, you get in off of 149th

1 southeast, right off of Maple Valley Highway.

2 POLICE OFFICER: Okay, that works. Thanks.

3 POLICE OFFICER: All right, thanks. I will be  
4 back on the southeast, as well.

5 POLICE OFFICER: Standby. Do you need a briefing?

6 POLICE OFFICER: Yeah, I cut this guy off.

7 POLICE OFFICER: Okay, [UNINTELLIGIBLE] got a  
8 toner cartridge to bring back to [UNINTELLIGIBLE], because  
9 it is [UNINTELLIGIBLE] -- doesn't work.

10 POLICE OFFICER: Okay, I cut this guy off, so I  
11 will get off the freeway and grab a toner cartridge.

12 What kind of printer do we got?

13 POLICE OFFICER: I already told her, but it is a  
14 HP LaserJet 6.

15 POLICE OFFICER: You broke on that part. Who has  
16 it?

17 POLICE OFFICER: Rosemarie.

18 POLICE OFFICER: Got it.

19 POLICE OFFICER: Hey, you're coming?

20 POLICE OFFICER: [UNINTELLIGIBLE].

21 POLICE OFFICER: What's the time [UNINTELLIGIBLE]  
22 you were looking at?

23 POLICE OFFICER: [UNINTELLIGIBLE].

24 POLICE OFFICER: Any chance [UNINTELLIGIBLE]  
25 wearing an orange Home Depot jacket?

1 POLICE OFFICER: One Henry 31 clear.  
2 POLICE OFFICER: I don't think so, but they could  
3 have changed clothes someone.  
4 911 OPERATOR: One Henry 51.  
5 POLICE OFFICER: 582. Unclear.  
6 911 OPERATOR: Okay.  
7 POLICE OFFICER: [UNINTELLIGIBLE].  
8 POLICE OFFICER: One front nine, 10-7.  
9 POLICE OFFICER: [UNINTELLIGIBLE] 22 still there?  
10 POLICE OFFICER: Yes, I am.  
11 POLICE OFFICER: Send me the numbers, 04346?  
12 POLICE OFFICER: That's a match.  
13 POLICE OFFICER: Okay, thanks.  
14 POLICE OFFICER: 170.  
15 911 OPERATOR: 170.  
16 POLICE OFFICER: Put me in service, 08661, and I  
17 will be out with -- on the ground with guardian one's  
18 project.  
19 911 OPERATOR: Okay.  
20 POLICE OFFICER: [UNINTELLIGIBLE] 6.  
21 POLICE OFFICER: You're going too?  
22 POLICE OFFICER: Service -- I have to get the --  
23 well I will be en route to get the van here in a bit and  
24 bring it there.  
25 911 OPERATOR: Okay.

1 POLICE OFFICER: [UNINTELLIGIBLE].  
2 POLICE OFFICER: Copy.  
3 POLICE OFFICER: 170.  
4 911 OPERATOR: Car 170. Go ahead.  
5 POLICE OFFICER: We have found the vehicle -- a  
6 quarter-mile south of the south end of Jones Road.  
7 911 OPERATOR: The vehicle was located 1/4 mile  
8 south of the Jones Road.  
9 POLICE OFFICER: 170. We have movement.  
10 (Sound of telephone ringing)  
11 911 OPERATOR: Give me a map book.  
12 We've got movement.  
13 911 OPERATOR: County, I need an aid car, please.  
14 SE Jones Rd. off of State Route 169. There are lots of cop  
15 cars there. This is that missing female Tanya Rider that  
16 was on the news. We have found her vehicle and she is still  
17 moving inside of it. Wow. Good mess.  
18 Just tell them to go really fast to the Jones Road off  
19 of State Route 169.  
20 Got my blood pumping.  
21 911 OPERATOR: What is your operator?  
22 911 OPERATOR: I am 29. You can reference detail  
23 number 288752.  
24 911 OPERATOR: Okay, you said you are 29?  
25 911 OPERATOR: 29, yes, ma'am.

1 Hang on just a second.

2 Wait, Jones Road. Okay.

3 911 OPERATOR: I have got 169 Jones Rd. -- which  
4 Jones Road, the bridge or the other one over by the old aqua  
5 barn?

6 POLICE OFFICER: The south end of Jones Road. My  
7 green unmarked pickup with the strobe lights is on the  
8 shoulder. We are on the west shoulder. [UNINTELLIGIBLE]  
9 and we are communicating with her. [UNINTELLIGIBLE].

10 911 OPERATOR: Oh, my God, this is a car accident.  
11 The new bridge they built? Okay. Head for the lower Jones  
12 Road and guardian --

13 POLICE OFFICER: No, the other end.

14 911 OPERATOR: Okay, lower Jones Road by Ron Regis  
15 Park?

16 911 OPERATOR: I am on the phone with them now.  
17 No, not that one, the other one.

18 Okay, hang on just a second. It is right off of State  
19 Route 169 [UNINTELLIGIBLE] Jones Road. Right?

20 POLICE OFFICER: 196th SE.

21 911 OPERATOR: Yeah, it is the lower Jones Road  
22 off of 196th. So this is basically, I think, a car accident  
23 and she has been trapped for this long.

24 POLICE OFFICER: Okay.

25 911 OPERATOR: Wow.

1 POLICE OFFICER: Where is the supervisor --  
2 Melinda? This is basically going to be a car accident and  
3 she has been trapped in the vehicle ever since.

4 911 OPERATOR: Copy.

5 Wow, so yeah -- yeah, basically just head up State  
6 Route 169. You can't miss it.

7 POLICE OFFICER: And this is a blue Honda element?

8 911 OPERATOR: Yes, ma'am.

9 POLICE OFFICER: A Honda -- whatever it was?

10 911 OPERATOR: Give me have a second, please.

11 Yeah. Yep. Wow.

12 POLICE OFFICER: Do you need anything else?

13 911 OPERATOR: No, just give me [UNINTELLIGIBLE],  
14 please.

15 POLICE OFFICER: Do we know if she is conscious?

16 911 OPERATOR: She is moving. That is all he told  
17 me, so --

18 POLICE OFFICER: Okay. All right.

19 911 OPERATOR: Okay, bye.

20 POLICE OFFICER: Bye.

21 POLICE OFFICER: 178 is heading for 169.

22 POLICE OFFICER: [UNINTELLIGIBLE].

23 911 OPERATOR: 35, you are out there, too?

24 POLICE OFFICER: In just a minute.

25 911 OPERATOR: Okay.

1 POLICE OFFICER: Where are you guys at? Is it the  
2 pickup with the silver car? Parked on 169 south?  
3 POLICE OFFICER: I was told a quarter-mile south.  
4 POLICE OFFICER: 25. You're looking for us?  
5 POLICE OFFICER: Affirm, your truck. We had --  
6 POLICE OFFICER: [UNINTELLIGIBLE] walk to the back  
7 of your car and you will see it.  
8 POLICE OFFICER: [UNINTELLIGIBLE]  
9 911 OPERATOR: [UNINTELLIGIBLE] 12.  
10 POLICE OFFICER: Aid is on their way, right?  
11 911 OPERATOR: Yes, sir.  
12 POLICE OFFICER: [UNINTELLIGIBLE].  
13 911 OPERATOR: [UNINTELLIGIBLE].  
14 POLICE OFFICER: Let the 170 units know that the  
15 fire and medics are on 169 heading their way right now. I  
16 am behind them.  
17 POLICE OFFICER: Copy. They are directly behind  
18 my rear bumper, north side. [UNINTELLIGIBLE] cut it out.  
19 POLICE OFFICER: All right.  
20 Are they on 169 or on Jones?  
21 911 OPERATOR: I was told on Jones, south of  
22 Jones.  
23 POLICE OFFICER: [UNINTELLIGIBLE] 170 directing  
24 traffic.  
25 911 OPERATOR: Copy.

1 POLICE OFFICER: 35. Yeah, we are going to close  
2 the road.

3 911 OPERATOR: 235, copy.

4 POLICE OFFICER: [UNINTELLIGIBLE] Frank one.

5 POLICE OFFICER: Frank one?

6 POLICE OFFICER: If it is worth a suggestion, you  
7 might want to divert your southbound traffic up 196th.

8 POLICE OFFICER: Frank [UNINTELLIGIBLE] five go  
9 down to 196th and divert them off the road there.

10 POLICE OFFICER: 935.

11 911 OPERATOR: 935?

12 POLICE OFFICER: My assumption is, though, it will  
13 be a mar, so [UNINTELLIGIBLE].

14 POLICE OFFICER: Does two Ida or two George  
15 matter?

16 POLICE OFFICER: You need me to pick up signs and  
17 posts?

18 POLICE OFFICER: We might as well, I mean we can  
19 probably make it, but yeah, it is going to have to be  
20 marked.

21 POLICE OFFICER: Frank 35. This is a state route,  
22 so I am assuming the state will take it, but we can  
23 certainly help out.

24 POLICE OFFICER: 31 clear.

25 POLICE OFFICER: [UNINTELLIGIBLE] one copy.

1 POLICE OFFICER: 935, did you catch that?  
2 911 OPERATOR: 935 what? The request for the  
3 state? Yes.  
4 POLICE OFFICER: There is a lot of engine noise  
5 going on. It is going to be a mar. It is going to be  
6 detail, but have 31 bring signs up.  
7 911 OPERATOR: Okay.  
8 POLICE OFFICER: 935, just getting state  
9 [UNINTELLIGIBLE].  
10 POLICE OFFICER: 934.  
11 911 OPERATOR: Go ahead.  
12 POLICE OFFICER: I will be down here  
13 [UNINTELLIGIBLE] -- once it is shut down at 196.  
14 911 OPERATOR: Copy.  
15 170 monitoring call 170?  
16 POLICE OFFICER: Go ahead.  
17 911 OPERATOR: Can you ask him to call this place  
18 where the radio room supervisor, reference this call?  
19 POLICE OFFICER: [UNINTELLIGIBLE].  
20 911 OPERATOR: Just as soon as you can.  
21 POLICE OFFICER: In a minute we might be able to  
22 call, but --  
23 POLICE OFFICER: 180. I will handle it.  
24 911 OPERATOR: Okay.  
25 POLICE OFFICER: [UNINTELLIGIBLE].

1                   911 OPERATOR: Standby just one.  
2                   POLICE OFFICER: Southeast on [UNINTELLIGIBLE].  
3                   911 OPERATOR: Affirmative, [UNINTELLIGIBLE].  
4                   POLICE OFFICER: [UNINTELLIGIBLE].  
5                   911 OPERATOR: Go ahead.  
6                   POLICE OFFICER: Can we get an MRO out here,  
7 please?  
8                   911 OPERATOR: The MRO is responding. It is going  
9 to be space accident.  
10                  Frank one, is that you that was trying to call?  
11                  POLICE OFFICER: Affirm. I have got 169 shut down  
12 at Cedar Grove Road.  
13                  911 OPERATOR: Copy.  
14                  POLICE OFFICER: And Frank 35 has shut down -- it  
15 is southbound at 196.  
16                  (End of recording)  
17                  (End of 911 recordings)  
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C E R T I F I C A T E

1 I, Brian Killgore, do hereby certify:

2  
3 That ACE Reporting Services, Inc., is a court-approved  
4 transcription company for the state of Washington, counties of  
5 King and Cowlitz, and for the United States District Court for  
6 the Western District of Washington;

7 That the annexed and foregoing transcript of recorded  
8 proceedings was transcribed by me to the best of my ability;

9 I further certify that I am not a relative or employee or  
10 attorney or counsel of any of the parties to said action, or a  
11 relative or employee of any such attorney or counsel, and that I  
12 am not financially interested in the said action or outcome  
13 thereof;

14 I further certify that the transcript is a true and correct  
15 record of all audible portions of the taped testimony, including  
16 questions and answers, and all objections, motions and exceptions  
17 of counsel made at the time of the foregoing proceedings. Areas  
18 of the tape(s) or CD(s) that were not decipherable for any reason  
19 are noted as [INAUDIBLE].

20 Dated June 29, 2011.

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Brian J. Killgore  
AAERT Certified Court Reporter  
License CERT\*D-498  
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Suite 209  
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(206) 467-6188

20 Notary Public in and for the  
21 State of Washington,  
22 Residing at Seattle.

23 My commission expires 11/1/2012

**RIDER v. KING COUNTY**

**Pierce County Cause No. 10-2-13111-1**

**EXHIBIT “B”**

**TO DECLARATION OF PAUL A. SPENCER  
IN OPPOSITION TO DEFENDANT’S MOTION FOR  
SUMMARY JUDGMENT**

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

07 284580

TRANSMISSION OK

TX/RX NO	4845
RECIPIENT ADDRESS	8P9083067501P3440583 <del>CRIMINAL</del>
DESTINATION ID	
ST. TIME	09/27 09:51
TIME USE	00'28
PAGES SENT	2
RESULT	OK



### Fax Cover Sheet

Criminal Investigations Division  
 Major Crimes Unit / Missing Persons Unit  
 Regional Justice Center  
 401 4<sup>th</sup> Ave North  
 Kent, Washington 98032

To:	VERIZON WIRELESS	Date:	September 27, 2007
Attn:	Exigent Circumstance	Fax Number:	1 908 306 7501
From:	THIEN DO	Phone:	(206) 205-7847 Major Crimes (206) 296-7692 Missing Persons
		Fax:	(208) 205-5120
Re:	TARGET NUMBER 380 463 6577	Pages:	Page 1 of 2

Urgent       For Review       Information       Please Reply

My email address is [THIENDO@KINGCOUNTY.GOV](mailto:THIENDO@KINGCOUNTY.GOV) if this helps.

**RIDER v. KING COUNTY**

**Pierce County Cause No. 10-2-13111-1**

**EXHIBIT “C”**

**TO DECLARATION OF PAUL A. SPENCER  
IN OPPOSITION TO DEFENDANT’S MOTION FOR  
SUMMARY JUDGMENT**

ORIGINAL

Case No. 07 - 284580



CONSENT TO SEARCH

Date: 09/27/07 Time: 1323

I, Tom Rider, understanding my Constitutional Rights not to have a search made of my phone records hereafter mentioned without a Search Warrant, and of my right to refuse to consent to such a search, to lawfully revoke this consent at any time, or to limit the scope of this consent to certain areas, hereby authorize the Sheriff of King County, or her representatives, to conduct a complete search of my Verizon Cellular phone, 360/463-6574 and Nextel # 253/377 2968 located in the County of King, State of Washington.

The Sheriff or his representatives are authorized by me to take from said phone records any documents, data, information, materials or other property which they may believe have evidential value.

I have read and understand the above, and this written permission is being given by me to Det. Scott Tompkins voluntarily and without threats or promises of any kind, and with the knowledge that any of the aforesaid property may be used as evidence in court.

[Signature] Signature

Tom Jensen Witness

**RIDER v. KING COUNTY**

**Pierce County Cause No. 10-2-13111-1**

**EXHIBIT “D”**

**TO DECLARATION OF PAUL A. SPENCER  
IN OPPOSITION TO DEFENDANT’S MOTION FOR  
SUMMARY JUDGMENT**

DO NOT DISCLOSE: <input type="checkbox"/>	<b>SHERIFF KING COUNTY</b>	<b>INCIDENT REPORT</b>	07-284580	Page 2
Domestic Violence: <input type="checkbox"/>			563-F-0	District: H-1

<b>VEHICLE SECTION</b>							
<b>VICTIM Vehicle</b>							
Vehicle Association	License	State	Year	Make	Model	Style	Color
VICTIM	739XBP	WA	2007	HONDA	ELEMENT	SUV	BLU
Features					VIN		
					5J6YH28767L006977		
Registered Owner Name				Registered Owner Address			
Legal Owner Name				Legal Owner Address			
Vehicle Disposition (if towed, list towing company, address)			Hold	Reason For Hold			
			No				
Stolen Vehicle <input type="checkbox"/>	Divorce In Progress <input type="checkbox"/>	Payments Overdue <input type="checkbox"/>	Keys In Ignition <input type="checkbox"/>	Estimated Value	Radio Notified Clerk	Date	Time
<input type="checkbox"/>	HDB Complaint <input type="checkbox"/>		Doors Unlocked <input type="checkbox"/>				
Recovered Vehicle Condition (damage, items stripped, etc.)			Other Agency/Case Number		Owner Notified By	Date	Time
<b>MO</b>							

Suspect Trademarks:

Instrument:

Entry Point:

Entry Method:

Premises Type	Locked <input type="checkbox"/>	Occupied <input type="checkbox"/>	Total Property Cost:
<input type="checkbox"/> Aid Req	<input type="checkbox"/> Weapons	<input type="checkbox"/> Injury	<input type="checkbox"/> Alcohol
<input type="checkbox"/> Computer	<input type="checkbox"/> Dom Viol	<input type="checkbox"/> Drug	<input type="checkbox"/> Juvenile
			<input type="checkbox"/> Gang

<b>Narrative:</b>
<b>RUNAWAY/MISSING PERSON QUESTIONNAIRE</b>
<p>CIRCUMSTANCES: The victim was last seen leaving the parking lot of her work in Bellevue. She was working graveyard for Fred Meyer and they have her on video tape leaving in her car. No one has heard from her since and she has not shown up for work. This is very odd behavior for her and she has never done this before. That day, she had been very happy to go to work because of the new car.</p> <p>Calls to the victim's cell phone go unanswered. The victim has only one credit card with her, a Nordstrom Visa, which is in her name only. The RP, the victim's husband, has been unable to see if there has been any activity on it. All the victim's other cards and checks are at her house, including her debit card.</p> <p>The RP drove by the victim's grandparent's house (he does not have their phone number), whom they have not visited in three years, and she was not there.</p> <p>The victim's vehicle does not have the license plates on it, only the temporary placard in the rear window.</p> <p>Bellevue PD declined to take this report because the victim was last seen in Bellevue leaving in her car.</p> <p><b>**Patrol Follow Up 07-284605**</b></p> <p>MARITAL STATUS: Married  DATE/TIME LAST SEEN: 091907 / 0900  WHERE LAST SEEN: Fred Meyer  BY WHOM: Roxanna RELATIONSHIP: Supervisor  SERIOUS HEALTH PROBLEM: Yes TYPE: Depression</p>

KC0112

DO NOT DISCLOSE: <input type="checkbox"/>	 <b>INCIDENT REPORT</b>	07-284580	Page 3
Domestic Violence: <input type="checkbox"/>		563-F-0	District: H-1
<p>REQUIRES MEDICATION: No  DRUGS: No  ALCOHOL: No  PROSTITUTION: No  DENTIST: Unknown  <del>DENTIST PHONE: Unknown</del>  DSHS/CPS CASEWORKER: No  CASEWORKER PHONE: N/A  HAS LEFT BEFORE: No      WHEN:  WHERE FOUND: N/A  WITH WHOM: N/A  COMPUTER INQUIRY TIME: 1014</p>			
<p>SECTION D  PATROL FOLLOWUP Yes[X] No [] UNIT TELETYPE SENT Yes [] No [X] SAR NOTIFIED Yes [] No [X]  COMPUTER ENTRY TIME: <u>13:25</u> OP# <u>D40</u> NIC <u>M616889305</u> WAC <u>07m0019282</u></p>			
<p>Certification  I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.  Date and Place: _____ Signature/Agency: _____</p>			
<p><b>END OF REPORT</b></p>			

DO NOT DISCLOSE: <input type="checkbox"/>		<b>SHERIFF</b> <b>KING COUNTY</b>		<b>INCIDENT REPORT</b>		07-284580		Page 1		
Domestic Violence: <input type="checkbox"/>						563-F-0		District: H-1		
Reported:	DOW	Time:	Incident Type:			Initial FCR		Court		Juvenile
9/23/2007	Sun	10:15	PERSON LOST, FOUND, OR MISSING			563-F-0				<input type="checkbox"/>
Occ Between:	DOW	Time:	And:	DOW	Time:	Location Name:				
9/19/2007	Wed	9:00	9/19/2007	Wed	9:00					
Incident Location:				City:			State:	Zip		
26135 243 PL SE				MAPLE VALLEY			WA	98038		

<b>VICTIMS, WITNESSES AND OTHER PERSONS SECTION</b>										
Association:		Last, First Middle				Interpreter Needed		Phone Numbers:		
VICTIM		RIDER, TANYA LEE				<input type="checkbox"/>		Home 360/463-6577 Work 425/865-8560 Cell 360/463-6577		
Address			City			ST	Zip			
26135 243 PL SE			MAPLE VALLEY			WA	98038			
Sex	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair		
F	W	6/25/1974	5' 10"	145	BLN		GRN			
Scars, Marks & Tattoos			Clothing			Gang		Set		
NONE			WHITE LONG-SLEEVED BLOUSE, BLACK SLACKS							
Occupation		Employer			OLN	ST	SSN	AFIS#:		
LOSS PREVENTION		FRED MEYER			RIDERTL264L5	WA	531-74-5030			
Association:		Last, First Middle				Interpreter Needed		Phone Numbers:		
REPORTING PAR		RIDER, TOMMY M				<input type="checkbox"/>		Home 253/377-2968 Work 253/377-2968 Cell 360/463-6574		
Address			City			ST	Zip			
26135 243 PL SE			MAPLE VALLEY			WA	98038			
Sex	Race	DOB	Height	Weight	Hair	Glass'	Eyes	Facial Hair		
M	W	3/30/1968	6' 0"	217	BRO		BLU	UNSHAVEN		
Scars, Marks & Tattoos			Clothing			Gang		Set		
Occupation		Employer			OLN	ST	SSN	AFIS#:		
SUPERINTENDENT		SOUNDBUILT HOMES, IN			RIDERTM327DT	WA	530-68-4385			

<b>REVIEW</b>			
Date Submitted:	Reporting Officer:	Disposition:	
9/23/2007	09347 Lowe, Thomas B.	INCIDENT REPORT OVER TELEPHONE - NO ARREST/NO B	
Date Time Reviewed:	Reviewed By:	CID Screener:	Event Processing Status:
09/23/07 11:52	06332 Griffin, Malinda R		Approved
Date Assigned	Investigator Assigned		Date Status Last Changed:
			9/23/2007 11:52:33
<input type="checkbox"/> Aid Req <input type="checkbox"/> Weapons <input type="checkbox"/> Injury <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer <input type="checkbox"/> Dom Viol <input type="checkbox"/> Drug <input type="checkbox"/> Juvenile <input type="checkbox"/> Gang			

Printed by: Hurst, Kathryn L. On: Sunday 09/23/07 13:09

INCIDENT REPORT 96-340  
1301792768

KC0111

**RIDER v. KING COUNTY**

**Pierce County Cause No. 10-2-13111-1**

**EXHIBIT “E”**

**TO DECLARATION OF PAUL A. SPENCER  
IN OPPOSITION TO DEFENDANT’S MOTION FOR  
SUMMARY JUDGMENT**

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

-----  
TANYA and TOMMY RIDER, wife and )  
husband and the marital community )  
composed thereof, )  
Plaintiffs, )

vs. ) No. 10-2-13111-1

KING COUNTY, in its capacity as )  
the KING COUNTY SHERIFF'S )  
DEPARTMENT, )  
Defendants. )

-----  
Deposition Upon Oral Examination of  
JANET RHODES  
-----

900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington

DATE: March 15, 2012

REPORTED BY: Christina Atencio, CCR #2749

1 APPEARANCES:

2

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13 DEL KOLDE, ESQ.

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21

22

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24

25

1 E X H I B I T S

2	NO.	DESCRIPTION	PAGES
3	1	Declaration of Janet Rhodes	34
4	2	Fax Cover Sheet, dated 9/27/07	58
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10 E X A M I N A T I O N

11	BY	PAGES
12	Mr. Spencer.....	4

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1 simply answer a question, I'll assume you understood what I  
2 was asking.

3 Make sure you give verbal responses so that the  
4 court reporter can pick them up. And I will do my best not  
5 to talk over you. And if you could do the same, that would  
6 be really helpful because she can only take down one of us  
7 talking at a time. Does that make sense?

8 A. Yes.

9 MS. KOZMA: Can I interrupt you for just one second  
10 to make sure that Del understood when I said I'll see you in  
11 here. Just so we're clear.

12 MR. SPENCER: Sure.

13 (Mr. Kolde enters room.)

14 Q. What's your present business address?

15 A. 401 Fourth Avenue North, Number 1B, Kent, Washington  
16 98032.

17 Q. And who is your employer?

18 A. King County Sheriff's Office.

19 Q. And how long have you been with the King County  
20 Sheriff's Office?

21 A. Almost 32 years.

22 Q. Thirty-two years. And what division are you in?

23 A. Criminal Investigation Division.

24 Q. And do you have a particular area within the  
25 Criminal Investigation Division?

1 A. Major Crimes Unit.

2 Q. And what type of cases do you work on in the Major  
3 Crimes Unit?

4 A. Missing persons and trying to identify unidentified  
5 remains, human remains.

6 Q. I'm trying to do my best math here. It appears that  
7 you went to work for the King County Sheriff's Office  
8 sometime around 1980?

9 A. Correct.

10 Q. Were you employed prior to that time?

11 A. Yes.

12 Q. By whom?

13 A. Fred Meyer.

14 Q. What year did you graduate from high school?

15 A. 1979.

16 Q. Did you attend any college courses?

17 A. Yes.

18 Q. Where did you go to college?

19 A. Bellevue Community College.

20 Q. Did you complete your course of study at Bellevue

21 CC?

22 A. Yes.

23 Q. What was your degree in?

24 A. I didn't get a degree.

25 Q. What was your course of study at Bellevue CC?

1 A. Yes.

2 Q. Has your position in the Major Crimes Unit changed  
3 since you started there in 1999 until today?

4 A. The title that I was given has changed.

5 Q. Has your actual job changed?

6 A. No.

7 Q. What was the change in title?

8 A. From an OT, office technician, to administrative  
9 staff assistant.

10 Q. When did that change occur?

11 A. I believe it was 1999. It was in the works before I  
12 started in there.

13 Q. Are you a commissioned officer?

14 A. No.

15 Q. So since you started in the missing persons -- or  
16 strike that.

17 Since you started in the Major Crimes Unit in 1999,  
18 has the physical location of your office changed at any  
19 point?

20 A. I actually started there in 1998 and that has not  
21 changed.

22 Q. How many other people presently work with you as an  
23 administrative staff assistant in the Major Crimes Unit?

24 A. None.

25 Q. You're the only administrative assistant in that

1 unit?

2 A. Yes.

3 Q. Has that been the case since you started there in  
4 '98?

5 A. Yes.

6 Q. Are there other people who occupy similar positions  
7 in the department that are located elsewhere?

8 A. Not that I'm aware of.

9 Q. We're here to talk about an event in a case that  
10 arose in September of 2007 so I'm going to try and ask you  
11 some questions, before and after type of questions. So did  
12 you have any missing person training prior to September of  
13 2007?

14 A. I don't recall.

15 Q. Have you had any of that type of training in the  
16 last three years?

17 A. Yes.

18 Q. Had you had training before the last training you  
19 can recall?

20 A. Yes.

21 Q. Do you recall when the first time you had such  
22 training was?

23 A. No, I don't.

24 Q. Was it in a department training or offered by  
25 someone outside the department?

1 training?

2 A. Last week.

3 Q. Who is your immediate supervisor now in your  
4 position?

5 A. Sergeant Jesse Anderson and Sergeant Tony McNabb.

6 Q. And what position does Sergeant Anderson occupy in  
7 the department?

8 A. He's a sergeant of the Major Crimes Unit.

9 Q. And Sergeant McNabb?

10 A. Sergeant of the Major Crimes Unit.

11 Q. Both. Who was your immediate supervisor or  
12 supervisors in September of 2007?

13 A. Sergeant Mark Toner and Sergeant DB Gates.

14 Q. Were they both sergeants in the Major Crimes Unit as  
15 well?

16 A. Yes.

17 Q. And were you the only administrative assistant in  
18 the Major Crimes Unit in September of 2007?

19 A. Yes.

20 Q. What are your present office hours? What type of  
21 days and hours do you work?

22 A. Monday through Friday, 8 a.m. to 4:30 p.m.

23 Q. Were those your hours in September of 2007 as well?

24 A. Yes.

25 Q. Do you ever work weekends?

1 A. No.

2 Q. Now, you mentioned earlier that you work on missing  
3 persons and unidentified remains?

4 A. Yes.

5 Q. What portion of your job presently would you  
6 estimate you spend on missing persons versus unidentified  
7 remains?

8 A. Ninety-nine percent missing persons.

9 Q. And would that be true in September of 2007 as well?

10 A. Yes.

11 Q. How many -- presently how many missing person cases  
12 do you have that you're working on?

13 A. I would have to guess.

14 Q. Your best estimate.

15 A. Okay. Assigned to me are probably 100 cases.

16 Q. Has your caseload increased, decreased, or remained  
17 relatively the same since 2007?

18 A. I'm not sure. I think it's about the same.

19 Q. Out of the 100 cases -- and I understand it's  
20 completely an estimate -- how many would you say you  
21 actively work on on a day-to-day basis?

22 A. It's hard to say because it depends on the  
23 circumstances of each case. It's not the same any two days.

24 Q. It varies from day to day?

25 A. Yes.

1 Q. Do you have any county employees that you supervise  
2 in your position?

3 A. No.

4 Q. Have you ever had any county employees that you  
5 supervised in your position?

6 A. Only on a temporary basis.

7 Q. What type of employees would you supervise when that  
8 would happen?

9 A. Detective clerk and patrol clerk.

10 Q. I understand you work Monday through Friday. Are  
11 there any employees of the Sheriff's Department that work on  
12 missing persons on the weekends?

13 A. If they get called out by the 911 center supervisor.

14 Q. Who would that be?

15 A. There's lots of them. You mean who would work on  
16 the cases?

17 Q. Right. Would these be patrol officers or detectives  
18 or...

19 A. The sergeants of Major Crimes would be contacted.

20 Q. Could you briefly summarize the process of how a  
21 missing person case actually gets assigned to you? How does  
22 that work?

23 A. The 911 center call receivers take a report. Their  
24 supervisor approves it. It gets electronically routed to  
25 the Major Crimes Unit. The Major Crimes sergeants review

1 the cases and then assign them to me.

2 Q. The report that is taken in by the 911 operator, is  
3 that electronically taken down or is it physically written  
4 down?

5 A. Electronically.

6 Q. When the 911 supervisor approves that report, is  
7 that done electronically or verbally, if you know?

8 A. Electronically.

9 Q. Is that electronic record then routed to the Major  
10 Crimes sergeant?

11 A. Yes.

12 Q. How is that done? Is that done by e-mail or how is  
13 that done?

14 A. Through our internal report taking system.

15 Q. Do the Major Crimes sergeants work on the weekend?

16 A. If they get called out.

17 Q. Nobody is scheduled to be there?

18 A. No.

19 Q. Typically?

20 A. Right.

21 Q. When the missing person's report is routed or is  
22 assigned to you, is that done electronically?

23 A. Yes.

24 Q. Is that done through your own internal system?

25 A. Yes.

1 Q. I want to back up. Are you familiar with the  
2 protocol for 911 operators to take a missing persons report?

3 A. Somewhat.

4 Q. What's your understanding of that protocol?

5 MS. KOZMA: I'll object to the form of the question  
6 to the extent it calls for speculation.

7 A. In order for someone to be reported missing, there  
8 has to be some kind of extenuating circumstance; the ones  
9 that I already listed. Typically, if an adult appears to be  
10 missing of their own free will, we won't take a case; or if  
11 someone is calling to try to get me to locate a person for  
12 civil reasons or financial reasons, we won't take a case.

13 Q. And those types of things were generally handled by  
14 the 911 operator?

15 A. Yes.

16 Q. Once it gets it you, has it crossed that hurdle, so  
17 to speak?

18 A. Yes.

19 Q. Because it's been approved by the 911 supervisor?

20 A. Yes.

21 Q. And approved by your sergeant?

22 A. Yes.

23 Q. So after you talk to the person who reported the  
24 person missing, what do you do typically then?

25 A. Check out any information they provided.

1 Q. Is anybody helping you in that process when you  
2 check out the information that's provided; anybody within  
3 the department, I mean?

4 A. If it appears suspicious, the sergeants may have a  
5 detective assist me or me assist the detective.

6 Q. Now, big picture. Part of your job is identifying  
7 missing remains; is that correct?

8 A. Unidentified human remains, yes.

9 Q. So I take it one of the things you do is try and  
10 gather as much information as you can as possible if remains  
11 are found to try and figure out who that particular  
12 individual was. Would that be accurate?

13 A. Yes.

14 Q. And another part of your job is locating a missing  
15 person?

16 A. Yes.

17 Q. So somebody is reported missing. Your job is to  
18 help find that person?

19 A. Yes.

20 Q. Once you have assessed -- let's say as an example  
21 that this isn't a suspicious circumstance. When you say you  
22 check out the information provided, what types of things  
23 typically would you do?

24 A. If the person who is reporting the person missing  
25 can name people that they think the missing person might be

1 A. Rechecks from time to time.

2 Q. Have you in -- all the years that you've been doing  
3 this, a long time -- ever had people that were reported  
4 missing who you're able to reach say, for example, on your  
5 cell phone with the cell phone you were given?

6 A. I'm sorry. That wasn't clear.

7 Q. I'll try again. In all the years that you've been  
8 doing this, have missing people essentially shown up?

9 A. Yes.

10 Q. And the example I was trying to give is have you  
11 ever contacted somebody on the cell phone that you said was  
12 one of the things you did and have them answer?

13 A. Yes.

14 Q. What happens then internally in your file? Does it  
15 get closed or how does that work?

16 A. If it's an adult, I close the case and document that  
17 I spoke to the person.

18 Q. And is there any -- typically, would there be any  
19 follow up with the person who reported that person missing?

20 A. I would tell them that I had contact with the person  
21 so I was closing the case.

22 Q. That would be something you would do as well?

23 A. Yes.

24 Q. And then go from a missing person to a non-missing  
25 person, or however you want to put it?

1 usually it's their name and birth date.

2 Q. How about cell phone companies? What typically do  
3 they -- do they require something in writing from you?

4 A. They require something in writing after contacting  
5 them by phone.

6 Q. Have you ever had a bank, for example, refuse to  
7 provide you information?

8 A. Yes.

9 Q. In those types of circumstances, what do you do?

10 A. Ask if there's some other way I could get the  
11 information or another person I could ask through.

12 Q. And typically what types of alternatives do banks  
13 give you in that type of circumstance?

14 A. They've said that I can fax or mail requests on  
15 letterhead.

16 Q. Any other options banks have given you historically?

17 A. Not that I can think of.

18 Q. Have you ever had to get a court order to get  
19 information from a bank?

20 A. I can't get a court order.

21 Q. Have you ever been told by a bank that you needed a  
22 court order to get that information?

23 A. I don't recall.

24 Q. Have you ever been told by a bank that you needed a  
25 warrant before they would give you that information?

1 to get the court order or the warrant, or do they just do it  
2 based on your recommendation?

3 A. They make the decision or refer it to a detective.

4 Q. I want to go back because you made a statement  
5 earlier that I can see how this happens. And my own  
6 experience I've had this happen. When you're told they  
7 won't give you the information, you mentioned earlier that  
8 sometimes you'll ask if you can speak with somebody else.  
9 Do you recall that testimony?

10 A. Yes.

11 Q. Is it fair to say that sometimes if one person won't  
12 give you the information, if you talk to somebody else, they  
13 will give you the information?

14 A. Not usually.

15 Q. Okay.

16 A. I can't think of a time that happened.

17 Q. Do you know what the process is to obtain a court  
18 order to get information?

19 A. No.

20 Q. Do you know what the process is to obtain a warrant  
21 to get information?

22 A. No.

23 Q. Do you remember the Tanya Rider case?

24 A. Yes.

25 Q. Let's back up just a little bit. Did you review any

1 documents prior to coming to the deposition today to prepare  
2 for this deposition?

3 A. No. Today, no.

4 Q. How about in the last week? Have you reviewed any  
5 documents?

6 A. Yes.

7 Q. What documents have you reviewed to prepare for this  
8 deposition?

9 A. I read my follow-up.

10 Q. Your follow-up report?

11 A. Yes.

12 Q. Anything else?

13 A. No.

14 Q. Did you read your declaration that was provided as  
15 part of a motion that has been filed in this matter?

16 A. I think that was last week I saw it. Yeah.

17 Q. So you did read your declaration?

18 A. Yes.

19 Q. And I believe -- and I could be wrong. We'll look  
20 in a second. But was your follow-up report attached to your  
21 declaration, if you recall?

22 A. Not that I recall.

23 Q. When you reviewed your declaration within the last  
24 week, was there anything in your declaration that was  
25 inaccurate that you noticed?

1 A. No.

2 Q. Other than reviewing your declaration and your  
3 follow-up report, have you reviewed anything else to prepare  
4 for this deposition?

5 A. No.

6 Q. Other than speaking with the attorneys that  
7 represent King County, have you spoken to anybody else about  
8 this deposition here today and/or the Rider case in the last  
9 week?

10 A. I told my sergeants I had to come downtown today to  
11 do the deposition. But other than that, no.

12 Q. Very good. Did you prepare the declaration or did  
13 somebody else prepare the declaration, if you can recall?

14 A. Someone else did.

15 Q. Was there one draft or more than one draft, if you  
16 recall?

17 A. One draft, as far as I know.

18 Q. Did you make any changes to the draft declaration  
19 before you signed it?

20 A. No.

21 Q. It was accurate as written?

22 A. Yes.

23 Q. Did you review your follow-up report before signing  
24 the declaration?

25 A. Yes.

1 let me know.

2 A. Okay. Yep.

3 Q. So for the record, you just had an opportunity to  
4 review that declaration which is Exhibit 1. Is that your  
5 declaration?

6 A. Yes.

7 Q. Is it accurate to the best of your knowledge?

8 A. Yes.

9 Q. There's an attachment to it, Exhibit 1. And I want  
10 to know, is this your follow-up report?

11 A. Yes.

12 Q. So just more for the purposes of trying to figure  
13 out what I'm looking at here, on the first page after the  
14 title page, Exhibit 1, which is entitled "Follow-up Report",  
15 there appear to be one, two, three, four, five, six pages  
16 until we get to what appear to be entries that were made by  
17 you. What are those first six pages? What are we looking  
18 at there?

19 A. Persons involved or contacted.

20 Q. So what I assume you're trying to do there is simply  
21 delineate who was contacted and what their affiliation or  
22 association was with the missing person as part of this  
23 investigation?

24 A. Yes.

25 Q. And then it says on the seventh page, "Reporting

1 September 24th, 2007; is that correct?

2 A. Yes.

3 Q. It says, "I reviewed a missing person report about  
4 Tanya Rider." Would that report have already been approved  
5 by the supervisor of 911?

6 A. Yes.

7 Q. Would that report have already been approved by your  
8 sergeant supervisor?

9 A. I don't recall.

10 Q. Would typically you get a missing person report  
11 without your sergeant having approved it?

12 A. Usually the sergeant's already approved it.

13 Q. But you don't recall whether that occurred in this  
14 case?

15 A. No.

16 Q. How many times do you receive missing person reports  
17 without your sergeant having approved it?

18 A. I don't literally receive them. I look on the  
19 computer to see what's incoming.

20 Q. Incoming from where?

21 A. The communications center.

22 Q. 911?

23 A. Yes.

24 Q. And are you able to tell from your follow-up log  
25 whether or not your sergeant approved that missing person

1 report?

2 A. Yes.

3 Q. Where do you see it?

4 A. It says, date and time -- oh, no, I guess not. This  
5 is when I submitted it. So, no, it doesn't say.

6 Q. So it isn't required to be approved by your sergeant  
7 for you to be assigned a case; would that be true?

8 A. I'm really supposed to wait until it's assigned to  
9 me.

10 Q. Was the Tanya Rider case assigned to you?

11 A. I don't know at what time. It was but I don't know  
12 at what time.

13 Q. But you would agree with me you started working on  
14 it on Monday morning, September 24th, 2007?

15 A. Yes.

16 Q. And when you say you reviewed a missing person  
17 report, is that missing person report anywhere in your  
18 follow-up log?

19 A. No.

20 Q. It's a separate document?

21 A. Yes.

22 Q. And that would be a document that was created or an  
23 entry that was created by the 911 operator?

24 A. Yes.

25 Q. Going back to your past practice, it appears here

1 that you contacted Mr. Rider who was the one who reported  
2 Mrs. Rider missing; is that correct?

3 A. Yes.

4 Q. And then you took notes on that telephone  
5 conversation with Mr. Rider?

6 A. Yes.

7 Q. And those notes were subsequently transcribed and  
8 entered into your computer?

9 A. I typed them in.

10 Q. And you mention in your affidavit that you were  
11 trying to determine if Tanya Rider was missing?

12 A. Yes.

13 Q. And how were you going to go about doing that?

14 A. Trying to collect facts.

15 Q. Would it be fair to say you were trying to find her?

16 A. Yes.

17 Q. And did you tell Mr. Rider that you would try and  
18 find her?

19 A. I'm trying to think how I worded it. I don't recall  
20 exactly what I said. But I told him I was calling to get  
21 follow-up information on the case to work on it.

22 Q. I understand. And I would think that part of your  
23 protocol is you don't tell anybody that you guarantee you're  
24 going to find them; is that correct?

25 A. I've never said that.

1 Q. Would it be fair, you've also never guaranteed that  
2 you would be able to identify unidentified remains?

3 A. Correct.

4 Q. But we talked earlier. One of your primary jobs is  
5 locating missing person; is that correct?

6 A. Yes.

7 Q. When you received this missing person report on  
8 Tanya Rider, September 24th, 2007, thereafter were you  
9 trying to locate Mrs. Rider?

10 A. Yes.

11 Q. After receiving this information from Mr. Rider, it  
12 appears that you began calling various entities with  
13 information that he had provided to you; is that correct?

14 A. Yes.

15 Q. Now, it appears you contacted USAA and Nordstrom  
16 Visa, at least that's what your declaration says. And it  
17 appears that -- did you physically speak with somebody at  
18 USAA and Nordstrom Visa?

19 A. Yes.

20 Q. Do you recall what information you had on hand when  
21 you spoke with them with respect to Tanya Rider's account?

22 A. The incident report.

23 Q. And the incident report that had been completed by  
24 the 911 operator?

25 A. Yes.

1 A. I believe that was Tom Rider.

2 Q. Just from my recollection of looking at your call  
3 log, it appears that you tried Tanya Rider's cell phone a  
4 number of times?

5 A. Yes.

6 Q. You were never successful, obviously, in reaching  
7 her?

8 A. Right.

9 Q. Is that part of your standard protocol?

10 A. Yes.

11 Q. Is that part of the written policy of the  
12 department?

13 A. No.

14 Q. It's just something that historically you've had  
15 success or is that something you've done?

16 A. Yes.

17 Q. And we know ultimately a request was made for her  
18 cell records. Do you recall that?

19 A. That was handled by detectives.

20 Q. Did you recommend that those records be obtained?

21 A. I didn't make the recommendation. I asked if it  
22 could be done since it was finally determined that it was  
23 not her bank activity.

24 Q. What was the purpose of trying to obtain her cell  
25 phone records?

1 A. Trying to locate her.

2 Q. How was that going to happen?

3 A. Sometimes I'll find where a cell phone record will  
4 reflect phone numbers of friends and possibly she could have  
5 been staying with a friend or relative. It also gave the  
6 location her cell phone last pinged at.

7 Q. Anything else?

8 A. No.

9 Q. So it's safe to say when you get cell phone records  
10 or cell phone information from a cell phone company, there's  
11 multiple things, types of information that those records can  
12 provide, including recent calls to or from the person?

13 A. Yes.

14 Q. And/or the cell phone company's ability to locate  
15 the physical location of the cell phone itself or where the  
16 last call was made from?

17 A. Sometimes.

18 Q. And had you had experience getting this information  
19 from cell phone companies prior to Ms. Rider's  
20 disappearance?

21 A. Yes.

22 Q. Had you had situations where you were able to locate  
23 either a person that the missing person had called or  
24 someone who had called the missing person that assisted you  
25 in locating that person?

1 A. Yes.

2 Q. Had you had situations where you contacted a cell  
3 company and they were able to determine, roughly speaking,  
4 where the last call that that person had made was from?

5 A. Yes.

6 Q. So that is something that you had experienced in the  
7 past that you were using to locate Mrs. Rider in this case?

8 A. Yes. Actually, the detectives were using that. I  
9 didn't. I couldn't get the information this time.

10 Q. I understand. And we'll talk about that in a  
11 second. But had you, on prior missing persons cases, been  
12 involved with obtaining records that indicated where recent  
13 calls had been made to or from a missing person?

14 A. Yes.

15 Q. Had you been involved in cases where the cell  
16 company was able to ping the cell phone for the location of  
17 the last known call?

18 A. Yes.

19 Q. Now, per your declaration, it indicates that in  
20 Paragraph 5, "Additionally, I contacted her cellular  
21 provider, Verizon, and their automated message said  
22 information would not be released without a subpoena or  
23 court order." Do you recall that?

24 A. Yes.

25 Q. So this was one of those instances we talked about

1 before where a cell provider said they needed a subpoena or  
2 a court order to release information?

3 A. Yes.

4 Q. In this case, did the Sheriff's Department ever get  
5 a subpoena or court order to obtain the cell records?

6 A. I believe the detectives got one.

7 Q. Have you ever seen one?

8 A. I don't recall.

9 Q. Who actually physically made the request -- well,  
10 let's back up.

11 Where did you get the Verizon number that you  
12 contacted as indicated in Paragraph 5?

13 A. I've had it so long. I don't recall.

14 Q. So then actually that's part of my question.  
15 Through your 30 years of experience -- or I guess it would  
16 be 14 or 15 years of experience in missing persons, do you  
17 keep like a master list of various companies and jails,  
18 hospitals, cell providers?

19 A. I have a phone book.

20 Q. That you use?

21 A. Yes.

22 Q. A regular phone book or a book you've created?

23 A. That I've created.

24 Q. So you've called Verizon before?

25 A. Yes.

1 Q. And had you called Verizon before September of 2007?

2 A. Yes.

3 Q. And did you go beyond the automated message when you  
4 called Verizon on what appeared to be Monday, September  
5 24th?

6 A. No.

7 Q. Did you report to your supervisor that to get this  
8 information you would need either a subpoena or a court  
9 order?

10 A. We discussed it because he already knew the same  
11 thing.

12 Q. You discussed getting a subpoena or a court order?

13 A. Discussed we had a lack of information to get -- we  
14 couldn't get a court order.

15 Q. You had a lack of information. What additional  
16 information did you need?

17 A. We would have needed a sign of foul play or she  
18 would have had to have threatened suicide or have some kind  
19 of earth shattering medical issue.

20 Q. Sign of foul play, medical issue. And what was the  
21 other one?

22 A. Threatening suicide.

23 Q. Anything else you can think of that would have  
24 justified, in that conversation you had with your sergeant,  
25 getting a subpoena or a court order?

1 A. No.

2 Q. Now, in Paragraph 6, you indicate that on Monday  
3 afternoon -- and I assume we're referring to Monday,  
4 September 24, 2007 still?

5 A. Yes.

6 Q. You use the automated system for USAA to access  
7 Tanya's account activity?

8 A. Yes.

9 Q. How did you do that?

10 A. I dialed the number and used her social security  
11 number as the PIN.

12 Q. And it worked?

13 A. Yes.

14 Q. And you were able to get in their system?

15 A. Part of it.

16 Q. It appears you were at least able to determine  
17 activity that had been occurring?

18 A. Yes.

19 Q. Who gave you Tanya's social security number?

20 A. It was on the incident report. I believe it was on  
21 the incident report.

22 Q. Now, it appears that in Paragraph 6 you said, "I  
23 learned that there was a debit withdrawal that day." Are we  
24 referring to Monday, September 24th?

25 A. Yes.

1 Q. As well as an automatic withdrawal and a debit  
2 withdrawal on the 19th. Do you see that?

3 A. Yes.

4 Q. And then an automatic withdrawal on the 20th. Did  
5 you convey this information to Tom Rider?

6 A. Eventually.

7 Q. Did you talk to him that day about it?

8 A. No.

9 Q. Did you talk to him the next day about it?

10 A. No.

11 Q. Now, at the bottom of this, it appears from my  
12 reading of Paragraph 6, that you then waited until the next  
13 day where it says, on Tuesday, September 25th, I checked  
14 again and apparently discovered another transfer had been  
15 made of \$1,000. Do you see that?

16 A. I found a transfer.

17 Q. Was that again done on the USAA automated access  
18 system?

19 A. Yes.

20 Q. Phone system?

21 A. Yes.

22 Q. And then you conclude there at that point, I  
23 believe, that Tanya was not missing at all?

24 A. Correct.

25 Q. Did you call Mr. Rider on Tuesday, the 25th and let

1 him know that?

2 A. That I didn't believe she was missing?

3 Q. Yeah.

4 A. No.

5 Q. Why not?

6 A. We discussed that there was bank activity. When I  
7 spoke to him, we discussed there was bank activity.

8 Q. When did that happen?

9 A. I recall Wednesday we discussed that.

10 Q. But you didn't call him Tuesday; you didn't call him  
11 Monday when you saw the bank activity?

12 A. I don't recall.

13 Q. Now, did you continue to investigate -- strike that.  
14 Did you continue to try and locate Tanya Rider after  
15 finding out that there had been activity on her debit card  
16 on Monday?

17 A. Yes.

18 Q. Did you continue to look for and try and locate  
19 Tanya Rider after you saw the \$1,000 transfer on Tuesday?

20 A. Yes.

21 Q. At any point did you stop looking for Tanya Rider  
22 during that week prior to Thursday?

23 A. No.

24 Q. You kept looking for her?

25 A. Yes.

1 Q. And did you tell Mr. Rider you were continuing to  
2 look for her?

3 A. I don't know that I used those words. But, yeah, he  
4 knew that.

5 Q. At any point was Mr. Rider uncooperative with you in  
6 providing information?

7 A. No.

8 Q. Would you say it the other way?

9 A. He would provide information but then give a  
10 different version of it at a different conversation.

11 Q. Give me some examples of that that you can recall?

12 A. The bank information for one, which he acknowledged  
13 that he had given me the wrong information. The license  
14 plates on the car, he said they were paper; then he said the  
15 last time he saw it it was the actual plates.

16 Q. Anything else you can think of?

17 A. One time he told me that he paid all the bills;  
18 another time he told me she paid all the bills.

19 Q. Anything else?

20 A. That's all I can think of right now.

21 Q. In Paragraph 7 you indicate, "On Wednesday morning,  
22 September 26, 2007, Mr. Rider volunteered to me that he did,  
23 in fact, have access to the USAA account." Do you see that?

24 A. Yes.

25 Q. Was that a phone call that he made to you or you

1 made to him?

2 A. If I recall correctly, he called me.

3 Q. And what were you doing at that point on Tanya's  
4 case to locate her, do you recall?

5 A. I believe I had checked her USAA activity again but  
6 I'm not sure about that.

7 Q. Now, when you talked to Mr. Rider on Wednesday,  
8 September 26th, you indicate here that he volunteered to me  
9 that he, in fact, did have access to the USAA account. Do  
10 you see that?

11 A. Yes.

12 Q. Did you tell him what charges had been made on that  
13 account in that conversation?

14 A. In a later conversation.

15 Q. Why didn't you tell him at that point that that was  
16 what you were basing your present posture, that I believe  
17 that Tanya was not missing at all?

18 A. I wanted to get off the phone so I could tell my  
19 sergeant.

20 Q. And why did you want to tell your sergeant that?

21 A. Because I had made them aware that there was  
22 activity on her account and that she was the only one on the  
23 account.

24 Q. So now a change in circumstance again?

25 A. Yes.

1 Q. But you had already called. You had that  
2 information, correct?

3 A. No. I called. They wouldn't confirm any  
4 particulars of the activity.

5 Q. Now, did Mr. Rider explain all the activity when you  
6 spoke to him the second time on the 26th?

7 A. I don't know if we got through all the charges but I  
8 know we discussed it.

9 Q. And now we move on to Paragraph 8 in your  
10 declaration. It says that in light of this new information,  
11 we request that Tanya's cell phone records under exigent  
12 circumstances with a warrant to follow. Is that correct?

13 A. That's as far as I'm aware. I didn't actually see  
14 it.

15 Q. You didn't actually see the request?

16 A. Right.

17 Q. Did you report to your supervisor that you thought  
18 this needed to happen?

19 A. I gave them the information and it was up to them to  
20 what they were going to do with it.

21 Q. But I'm saying, did you report to your supervisor or  
22 make a recommendation that you thought the cell records were  
23 needed again, because you previously testified that you had  
24 that discussion with him early on?

25 A. Yes.

1 Q. So did you make the recommendation at that point, we  
2 need those cell records?

3 A. I wouldn't say I recommended it. But that's what I  
4 was insinuating.

5 Q. And are you familiar with the term "exigent  
6 circumstances"?

7 A. Yes.

8 Q. What does it mean?

9 A. Urgent circumstances. Someone's safety is in  
10 jeopardy.

11 Q. So what had changed that you now felt that Tanya  
12 Rider's safety was in jeopardy?

13 A. That there was apparently no activity by her on her  
14 account.

15 Q. Anything else?

16 A. No.

17 Q. So the change in your mind was entirely linked to  
18 your learning that, in fact, there had been no account  
19 activity?

20 A. Correct.

21 Q. By Tanya Rider?

22 A. Yes.

23 Q. You go on to say, "We were concerned that Tanya may  
24 have been the victim of a crime." Do you see that in  
25 Paragraph 8, the second sentence?

1 A. Yes.

2 Q. When you say "we", who are you referring to there?

3 A. My co-workers, my sergeants.

4 Q. The King County Sheriff's Department?

5 A. Yes.

6 Q. And what led you to believe that then at that point  
7 she may have been a victim of a crime?

8 A. The lack of bank activity.

9 Q. No activity by Tanya?

10 A. Correct.

11 Q. Now, it says here, "On Wednesday our office  
12 requested Tanya's cell phone records from Verizon." Was  
13 that done by you?

14 A. No.

15 Q. Who was that done by at the King County Sheriff's  
16 Office?

17 A. One of the Major Crimes detectives.

18 Q. Is that something typically you would not do that a  
19 detective would do?

20 A. Correct.

21 Q. And then it appears that on Thursday the Sheriff's  
22 Office obtained those records?

23 A. Yes.

24 Q. And did you see those records when they came in?

25 A. I was shown the list of phone numbers to try to

1 figure out who they belonged to.

2 Q. Anything else? Were you given any other  
3 information?

4 A. I saw the latitude and longitude and location of the  
5 cell tower on a map.

6 (Exhibit 2 marked.)

7 Q. Handing you Exhibit Number 2 and I'll ask if you've  
8 ever seen this document?

9 A. Not that I recall.

10 Q. The number at the top which is stamped 07284580, is  
11 that Tanya Rider's case number?

12 A. Yes.

13 Q. This appears to be a fax from the Major Crimes Unit,  
14 Missing Person Unit, to Verizon Wireless.

15 A. Yes.

16 Q. Alleging "Attention: Exigent Circumstances." Do  
17 you see that?

18 A. Yes.

19 Q. Who is T-H-I-E-N DO, D-O?

20 A. He's a detective in the Major Crimes Unit.

21 Q. Is that a detective that you worked with on Tanya  
22 Rider's case?

23 A. No, not really.

24 Q. Do you know what relationship he had in Tanya's  
25 case?

1 A. Yes.

2 Q. You had not met him prior to that?

3 A. No.

4 Q. And did you talk to him when you saw him at the  
5 Regional Justice Center other than just to say hello?

6 A. I don't recall.

7 Q. Why was he there, do you know, on that day?

8 A. He was there to sign some papers and be offered to  
9 take a polygraph.

10 Q. Do you remember what papers he was signing?

11 A. No. That's what he told me.

12 (Exhibit 3 marked.)

13 Q. Did you sit in on the polygraph examination?

14 A. No.

15 Q. I'm going to hand you what has been marked as  
16 Exhibit Number 3. Do you recognize this exhibit?

17 A. No.

18 Q. Have you ever seen a document like this before?

19 A. No, not that I can recall.

20 Q. Do you know who Detective Scott Tompkins is?

21 ~~A. Yes.~~

22 Q. Who is Detective Tompkins?

23 A. He is a detective in the Major Crimes Unit at King  
24 County Sheriff's Office.

25 Q. Did he work on the Tanya Rider case?

1 Q. Did you ever say that you weren't going to follow up  
2 and locate Mrs. Rider?

3 A. No.

4 Q. Would it be fair to say that whether you expressly  
5 told Mr. Rider you were looking for her, you certainly led  
6 him to believe the Sheriff's Department was looking for his  
7 wife?

8 MS. KOZMA: I'll object to the form of the question.  
9 It calls for speculation. You can answer if you know.

10 A. I can't guess what he was thinking.

11 Q. Did you ever, based on your communication to Mr.  
12 Rider, give him any indication the Sheriff's Department was  
13 not looking for his wife?

14 A. No.

15 Q. You were, in fact, looking for Tanya Rider, were you  
16 not?

17 A. Yes.

18 Q. Would that be true from the point you started on  
19 this case on Monday, September 24th until the time she was  
20 located on Thursday?

21 A. Yes.

22 Q. Ms. Rhodes, at any point between Monday, September  
23 24th and the time that Tanya Rider was found, did you ever  
24 tell Mr. Rider that you were not looking for Tanya Rider?

25 A. No.

1 Q. Do you know how the cell phone information was  
2 conveyed to the Sheriff's Office?

3 A. No.

4 Q. You don't know if it was by fax or by telephone?

5 A. I don't know.

6 Q. Did you speak with anybody at Verizon on Thursday,  
7 September 27th?

8 A. No.

9 Q. How about on Wednesday, September 26th?

10 A. No.

11 Q. Was your only phone call to Verizon on Monday,  
12 September 24th?

13 A. It's the only one I recall.

14 Q. And that was the phone call where you had the  
15 automated recording?

16 A. Yes.

17 Q. And as I understand it -- and this is based on my  
18 recollection of your entry -- you actually were on hold at  
19 the point you heard that automated recording and hung up?

20 A. Yes.

~~21 Q. Do you remember the detectives that were involved on~~  
22 the Tanya Rider case?

23 A. Yes, I believe so.

24 Q. Who are those detectives?

25 A. Are you including the time she was located?

1 A. I suppose.

2 Q. We talked a little bit before about requests that  
3 are made to health care providers or cellular providers. Do  
4 you recall that discussion a little bit before?

5 A. Yes.

6 Q. Do you ever make those requests in writing or are  
7 those questions always made by detectives?

8 A. It depends on the format of the request.

9 Q. Have you ever sent a letter to either a health care  
10 provider or a cellular provider alleging exigent  
11 circumstances existed to get information?

12 A. Yes.

13 Q. Would you say it's typically something you would do  
14 or typically something you would have a detective do?

15 A. It depends on the circumstances.

16 Q. Why didn't you send a letter in this case to Verizon  
17 alleging exigent circumstances?

18 A. Because I already knew what their policy was on it.  
19 I had been denied in similar cases.

20 Q. What was your understanding of their policy?

21 ~~A. That we had to have some sort of proof of foul play.~~

22 They have to have threatened suicide or there had to be a  
23 serious medical condition.

24 Q. Did any of those circumstances ever arise in Tanya  
25 Rider's case?

**RIDER v. KING COUNTY**

**Pierce County Cause No. 10-2-13111-1**

**EXHIBIT “F”**

**TO DECLARATION OF PAUL A. SPENCER  
IN OPPOSITION TO DEFENDANT’S MOTION FOR  
SUMMARY JUDGMENT**

RECEIVED

NOV 14 2011

OSCEOLA WASH SPRING  
STRAIGHT & WATTS, P.S.

Hon. Elizabeth Martin

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

TANYA and TOMMY RIDER, wife and husband )  
and the marital community composed thereof, )

No. 10-2-13111-1

Plaintiffs, )

DEFENDANT'S RESPONSES TO  
PLAINTIFFS' FIRST SET OF  
INTERROGATORIES AND  
REQUESTS FOR PRODUCTION

vs. )

KING COUNTY, in its capacity as the KING )  
COUNTY SHERIFF'S DEPARTMENT, )

Defendant. )

INTERROGATORIES

1. Please state your name and business address, and the title or office you hold at Defendant  
County.

ANSWER:

Objection. This interrogatory is vague and ambiguous. Without waiving said objections,  
the individuals who gathered documents or provided the responses to the discovery responses  
herein are as follows:

Daniel L. Kinerk  
Endel Kolde  
King County Senior Deputy Prosecuting Attorneys  
900 King County Administration Building

DEFENDANT'S RESPONSES TO PLAINTIFFS'  
FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION - 1

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2  
3 Lisa Boggess  
4 Paralegal, Litigation Section  
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6 900 King County Administration Building  
7 500 Fourth Avenue  
8 Seattle, WA 98104-2136

9  
10 Leslie J. Groce  
11 Paralegal, Legal Unit  
12 King County Sheriff's Office  
13 516 Third Avenue - W-116  
14 King County Courthouse  
15 Seattle, WA 98104-2136

16  
17 Janet Rhodes  
18 Administrative Staff Assistant  
19 Major Crimes Unit  
20 King County Sheriff's Office  
21 401 4<sup>th</sup> Ave No.  
22 Kent, WA 98032

23  
24 2. Please describe fully each and every source of knowledge about the Incident of which  
25 you are aware, including:

- 26 a. The identification of each source;  
27 b. The date and time you received any information from each such source regarding  
28 the Incident;  
29 c. The substance of all such information you received from each such source; and  
30 d. The manner in which such information was received.

31 ANSWER: Objection. This interrogatory is overly broad, unduly burdensome and vague  
32 regarding the meaning of the term "every source of knowledge." Without waiving said  
33 objections:

- 34 1. (a) Tom Rider  
35 (b) Throughout the course of the investigation of the Incident.

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Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

1 (b) 9/27/07 at 10:13 a.m.  
2 (c) Reported a tip to the Comm Center that he used to work with Tanya Rider at Fred  
3 Meyer in Issaquah in 2006.  
4 (d) By telephone

5 28. (a) Linda Higgins  
6 (b) 9/27/07 at 11:29 a.m.  
7 (c) Reported a tip to the Communications Center that she thought she saw Tanya Rider at  
8 Starbucks at 19<sup>th</sup>/Mildred in Tacoma.  
9 (d) By telephone

10 29. (a) Andre Cusea, Manager, Starbucks  
11 (b) 9/27/07 at 11:36 a.m.  
12 (c) Reported to ASA Rhodes information regarding woman at Starbucks reported by  
13 Linda Higgins to look like Tanya Rider.  
14 (d) By telephone

15 30. (a) Pierce County/Tacoma Dispatch and Officer Walsh  
16 (b) 9/27/07 at 11:41 a.m.  
17 (c) Reported to ASA Rhodes that the woman at Starbucks was contacted by police and  
18 told to move on. Officer Walsh said the woman was difficult to understand, but claimed  
19 her name was "Beth."

20 31. (a) Lisa Elf, 24 Hour Fitness, Kent, WA  
21 (b) 9/26/07 at 7:16 p.m.  
22 (c) Reported to Detective Tompkins that Tanya Rider's account was terminated and that  
23 she had not entered any local 24 Hour Fitness in recent past.  
(d) By telephone

(a) Verizon Wireless operator  
(b) 9/27/07 at 10:15 a.m.  
(c) Reported that Tanya Rider's last incoming call was recorded on a cell tower on  
9/24/07 at 10:48 p.m. The cell tower was located at 15734 203<sup>rd</sup> Ave SE and within a 3-5  
mile radius of the handset, and that the phone used the SW side of the tower. Reported  
that the phone was currently powered down.

33. (a) Neil Guerriero, Court Order Analyst, Verizon Wireless  
(b) 9/27/07 at 12:30 p.m.  
(c) Informed Detective Do that he would fax the records for the dates of Sept. 19-27.  
Reported that the phone had used the SE side of the tower and not the SW. Faxed Tanya  
Rider's cell phone records to Detective Do.

Please see also all documents produced by King County in this case, including, without  
limitation, in response to Request for Production No. 9.

DEFENDANT'S RESPONSES TO PLAINTIFFS'  
FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION - 7

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
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500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

1  
2 31. Roxanna Dressler, Supervisor  
3 "Chris", Security  
4 Fred Meyer  
5 2041 148<sup>th</sup> Ave NE  
6 Bellevue, WA

7 Ms. Dressler was Tanya Rider's supervisor at the time of the Incident and provided  
8 information to the KCSO during the investigation. She may have knowledge regarding these  
9 facts and circumstances.

10 32. Sarah Evlay, Supervisor  
11 Mike Hutto, Loss Prevention Manager  
12 Cassandra Main  
13 Nordstrom Rack  
14 3920 124<sup>th</sup> Ave SE  
15 Bellevue, WA 98006

16 These individuals and/or representatives from Nordstrom Rack may have knowledge  
17 regarding information they provided to the KCSO during the investigation of the Incident.

18 33. USAA Federal Security Bank  
19 (800) 531-2265

20 Representative(s) from USAA may have knowledge regarding information provided to  
21 the KCSO during the investigation of the Incident, as well as policies in effect at the time of the  
22 Incident regarding the release of bank account information to law enforcement during a missing  
23 person investigation.

24 34. Nordstrom Credit Services  
25 (800) 964-1800

26 Representative(s) from Nordstrom Credit Services may have knowledge regarding  
27 information provided to the KCSO during the investigation of the Incident, as well as policies in  
28 effect at the time of the Incident regarding the release of account information to law enforcement  
29 during a missing person investigation.

30 35. Neil Guerriero  
31 Court Order Analyst  
32 Verizon Communications  
33 140 West Street  
34 New York, NY 10007

35 Mr. Guerriero processed the exigent circumstances request by the KCSO and provided  
36 records regarding Tanya Rider's cell phone. He may have knowledge regarding these facts and  
37 circumstances. Mr. Guerriero and/or a representative of Verizon Communications may have

38 DEFENDANT'S RESPONSES TO PLAINTIFFS'  
39 FIRST SET OF INTERROGATORIES AND  
40 REQUESTS FOR PRODUCTION - 14

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
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Seattle, Washington 98104  
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1 knowledge concerning Verizon's policies regarding the release of cell phone records at the time  
2 of the Incident.

3 36. Nancy Loe  
4 21027 109 Pl SE #224  
5 Kent, WA 98031

6 Ms. Loe is Tanya Rider's mother and was contacted by ASA Janet Rhodes regarding the  
7 missing person investigation. She may have knowledge regarding these facts and circumstances.

8 37. Mark David Gordhamer  
9 820 S. Puget Sound Ave  
10 Tacoma, WA 98405

11 Mr. Gordhamer is Tanya Rider's uncle and was contacted by ASA Janet Rhodes  
12 regarding the missing person investigation. He may have knowledge regarding these facts and  
13 circumstances.

14 38. James Hauk  
15 39. Vicki Hauk  
16 11725 122 Ave KP N.  
17 Gig Harbor, WA 98329

18 Mr. and Ms. Hauk are acquainted with the Riders and were contacted by ASA Janet  
19 Rhodes regarding the missing person investigation. They may have knowledge regarding these  
20 facts and circumstances.

21 8. To your knowledge, does Defendant County contend that any act or omission on the part  
22 of Plaintiff caused or contributed to the Incident?

23 ANSWER: Yes.

~~9. If the answer to the preceding interrogatory is in the affirmative, please identify that act  
or omission.~~

ANSWER: The specific circumstances as to why Tanya Rider drove off the road have not yet  
been established but her driving may have caused the accident that led to her disappearance. This  
answer may be supplemented as discovery continues.

Plaintiff Tom Rider told ASA Jan Rhodes that a credit card was used exclusively by his wife.

Subsequent activity on the card led ASA Rhodes and her sergeant to assume Mrs. Rider was

DEFENDANT'S RESPONSES TO PLAINTIFFS'  
FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION - 15

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1 **CERTIFICATION**

2 The undersigned attorney for defendant King County certifies as follows:

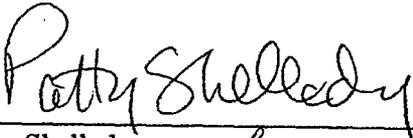
3 I have read the foregoing answers and responses to Plaintiffs' First Set of Interrogatories  
4 and Requests for Production and those answers and responses are in compliance with Civil Rule  
5 26(g).

6 DATED this 10th day of November, 2011.

7  
8   
9 \_\_\_\_\_  
10 Endel Kolde, WSBA 25155  
11 Senior Deputy Prosecuting Attorney  
12 Attorney for Defendant

13 **CLIENT VERIFICATION**

14 I, Patty Shelledy, Legal Counsel for the King County Sheriff's Office, certify that I have  
15 read the foregoing answers and responses to these interrogatories and request for production,  
16 know the contents thereof, and believe the same to be true to the best of my knowledge and  
17 under penalty of perjury of the State of Washington.

18   
19 \_\_\_\_\_  
20 Patty Shelledy  
21 Signed November 10 2011, in Seattle, Washington

March 20 2012 1:21 PM

KEVIN STOCK  
COUNTY CLERK  
NO: 10-2-13111-1

Before the Honorable Garold E. Johnson  
Plaintiffs' Responsive Pleadings  
Defendant's Motion For Summary Judgment  
Noted for Friday March 30<sup>th</sup> @ 1:30 pm

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

TANYA and TOMMY RIDER, wife and  
husband and the marital community  
composed thereof,

Plaintiffs,

vs.

KING COUNTY, in its capacity as the  
KING COUNTY SHERIFF'S  
DEPARTMENT.

Defendant.

CAUSE NO. 10-2-13111-1

DECLARATION OF TOM RIDER IN  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT

Tom Rider declares under penalty of perjury under the laws of the State of Washington  
that the following is true:

1. I am over the age of 18 and competent to make this declaration. I am a Plaintiff herein  
and the husband of Tanya Rider.

2. Tanya and I were married on October 23, 1992. At the time of the accident at issue  
(ie. September of 2007) we lived together in a home we had recently bought in Maple Valley,  
Washington.

DECLARATION OF TOM RIDER IN  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
PAGE -1-

OSERAN HAHN SPRING  
STRAIGHT & WATTS, P.S.  
SUITE #1430, 10900 NE 4<sup>th</sup> STREET  
BELLEVUE, WASHINGTON 98004  
425-455-5900; Facsimile 425-455-9201

1 3. At the time of Tanya's accident I was working as a site superintendent for Sound Built  
2 Homes. My working hours were from approximately 6:30 AM to 4:30 PM. I was also  
3 working other jobs to help pay for a home we were planning to build in Shelton, WA.  
4

5 4. Tanya was also working two jobs, at Fred Meyer in Bellevue and Nordstrom Rack also  
6 in Bellevue/Factoria.

7 5. Because of our work schedules, Tanya and I often did not see each other for several  
8 days during the week.

9 6. I became aware that Tanya was missing on the morning of Saturday September 22,  
10 2007, when I received a call from Tanya's employer Nordstrom's Rack, and was told that  
11 Tanya had not shown up for work. At the time, Tanya drove a 2007 Honda Element.  
12

13 7. I later learned that the last known sighting of Tanya was the morning of Thursday  
14 September 20, 2007 when she was seen on Fred-Meyer video cameras entering he car and  
15 leaving the Fred-Meyer's parking lot after her Thursday morning shift. Typically, Tanya  
16 would come home after this shift..  
17

18 8. On Saturday September 22<sup>nd</sup>, after receiving the call from Tanya's boss, I called 911  
19 and reported that she was missing. I called 911 several more times the 22<sup>nd</sup> and was advised  
20 that I needed to obtain additional information before the County would start to look for Tanya.  
21 Each time I contacted 911 - I was asked to do something or obtain additional information and I  
22 would follow-up as directed [not always understanding why].  
23  
24  
25

DECLARATION OF TOM RIDER IN  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
PAGE -2-

OSERAN HAHN SPRING  
STRAIGHT & WATTS, P.S.  
SUITE #1430, 10900 NE 4<sup>th</sup> STREET  
BELLEVUE, WASHINGTON 98004  
425-455-3900; Facsimile 425-455-9201

1 9. Finally, after making several more calls on Sunday morning September 23, 2007, I was  
2 ultimately told that they, King County, would complete a report and get her [Tanya] listed as  
3 soon as they could on the missing person's national site. The 911 operator also said that he  
4 would send an officer out to take an additional report. In several of these conversations with  
5 the 911 operators I reported that the only account that I did not have access to was Tanya's  
6 Nordstrom Visa account.  
7

8 10. During the 24 hour period between my first call to 911 and when they accepted my  
9 report, I literally drove to and from Tanya's work – from home, drove to our property in  
10 Shelton and checked our account information. I literally did not stop looking for Tanya.  
11 After King County took on the search I literally went back to work and stopped checking our  
12 accounts because Ms. Rhodes appeared to have things well in hand.  
13

14 11. After the morning of September 23<sup>rd</sup> call with the 911 operator when he took in Tanya  
15 as a missing person, I felt a great deal of relief. Because he had told me they {I understood to  
16 be the Sheriff's office} were moving forward to find Tanya, which I understood to mean that  
17 King County was now going to actively search and try and locate Tanya.  
18

19 12. Later on Sunday, September 23, 2007, an officer came to our house to take a report. I  
20 cooperated with the officer and gave him the information on Tanya, such as when I had  
21 discovered Tanya was missing, what she was driving, when I last saw her etc. I also let him  
22 [the officer] search our house. I also asked the officer if there was a way to locate Tanya by  
23  
24

25  
DECLARATION OF TOM RIDER IN  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
PAGE -3-

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1 cell phone. The officer said there was, but that would be a call for a detective. The officer said  
2 a detective would contact me the following day—Monday September 24<sup>th</sup> 2007.

3 13. On Monday morning September 24<sup>th</sup> 2007 I spoke with Jan Rhodes of the King  
4 County Sheriff's Depart. ("King County") Ms. Rhodes went over much of the same  
5 information as the 911 operator and the officer: where Tanya went and what she did. As I  
6 told the 911 operators, I told Ms. Rhodes that the only account that I did not have access to  
7 was the Nordstrom Visa. I specifically told her that I had access to the USAA checking  
8 account, but that I did not have online access. I gave her my Social Security number and PIN  
9 so she could access the account. Ms. Rhodes said that she would check on the account. She  
10 also stated that if something did go wrong with Tanya, we [King County] are going to locate  
11 her.  
12

13  
14 14. Throughout the ordeal, I talked with Jan Rhodes on a daily basis, often more than once  
15 a day, to get updates and to provide additional information that she needed. As it was my  
16 understanding that King County was actively searching for Tanya, I returned to work the week  
17 of 9/24/2007.  
18

19 15. I spoke with Jan Rhodes again on Tuesday, September 25, 2007. Ms. Rhodes said that  
20 there was activity on one of the accounts and I initially was relieved because it appeared that  
21 Tanya was alive. However, it later occurred to me that she had said "accounts" and Tanya only  
22 had access to one account that I did not have access to – the Nordstrom Visa account.  
23  
24

25  
DECLARATION OF TOM RIDER IN  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
PAGE -4-

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1 16. I immediately called back Jan Rhodes and asked her which account where the activity  
2 had occurred and was told that it was the USAA account. I immediately told her [again] that I  
3 had access to that account.  
4

5 17. Later Ms. Rhodes claimed that USAA had emailed her that "only Tanya" had access to  
6 that account. Thereafter, I called and spoke with a gentleman name Paul at USAA, which was  
7 my bank, and was told that they [USAA] would not release such account information over the  
8 phone and that there had never been an email or telephone call from USAA stating that I did  
9 not have access to that account.  
10

11 18. I talked to Jan Rhodes again on Wednesday, September 26, 2007. Again, we went  
12 over some of the bank information – re-plowing old ground. I asked Ms. Rhodes if they had  
13 pursued Tanya's cell phone information and was told no. Thereafter, I called Verizon and  
14 asked them to release Tanya's cell phone records. I was told that they needed something in  
15 writing from me and something on King County letterhead. I passed this information on to Jan  
16 Rhodes and she said she would take care of it. I have attached to this declaration a copy of a  
17 document that apparently I signed on September 27<sup>th</sup> 2007 – although I do not recall doing so.  
18 The document was prepared by King County [not me] but it does have my signature at the  
19 bottom.  
20

21 19. On Thursday September 27, 2007, a Detective from King County asked me to come in  
22 into the Sheriff's office for more questions. When I arrived, I was asked more questions after  
23 which I was asked to take a lie detector test, and I agreed so that I could be removed from the  
24

25  
DECLARATION OF TOM RIDER IN  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
PAGE -5-

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1 suspect list and King County could focus all its efforts on finding Tanya. As I went in for the  
2 lie detector test, and they asked me the questions before beginning the test, Detective Tomkins  
3 came in and asked if I was familiar with 196<sup>th</sup> and Jones Road. I said I was, and after  
4 prompting they said they had found Tanya's car. After more prompting, they said that she was  
5 still inside the car but they did not know her condition yet.  
6

7 20. I later learned that they had located the car by pinging Tanya's cell phone – and that  
8 they located Tanya and her car in less than two hours after obtaining the information from  
9 Verizon.  
10

11 21. I have reviewed the declaration of Janet Rhodes offered in support of the County's  
12 motion as well as King County's Motion for Summary Judgment. I obviously do not know  
13 the law as I am not an attorney. However, after making many phone calls to the 911 operators  
14 on September 22<sup>nd</sup> and 23<sup>rd</sup> 2007 and taking the actions I was directed to take by such  
15 operators, I was relieved to be told that they were classifying Tanya as a missing person on the  
16 morning of 9/23/07. I was told that if something had gone wrong with Tanya they would  
17 find Tanya and I assumed they would use all reasonable means to locate her. I answered all  
18 of the investigators questions honestly and provided all information and releases I was  
19 requested to provide. I believed and relied on the County which is why I returned to work the  
20 week of 9/24/07.  
21

22 22. I was later shocked to learn that they [King County] did not even request Tanya's cell  
23 phone information from Verizon until late Thursday morning September 27<sup>th</sup>.  
24

25  
DECLARATION OF TOM RIDER IN  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
PAGE -6-

OSERAN HAHN SPRING  
STRAIGHT & WATTS, P.S.  
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BELLEVUE, WASHINGTON 98004  
425-455-3900; Facsimile 425-455-9201

1 Dated and signed at Maple Valley Washington this 19 day of March 2012.

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4 Tom Rider

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DECLARATION OF TOM RIDER IN  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
PAGE -7-

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Before the Honorable Garold E. Johnson  
Plaintiffs' Responsive Pleadings  
Defendant's Motion For Summary Judgment  
Noted for Friday March 30<sup>th</sup> @ 1:30 pm

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

TANYA and TOMMY RIDER, wife and  
husband and the marital community  
composed thereof,

Plaintiffs,

vs.

KING COUNTY, in its capacity as the  
KING COUNTY SHERIFF'S  
DEPARTMENT.

Defendant.

CAUSE NO. 10-2-13111-1

DECLARATION OF D.P. VAN  
BLARICOM IN OPPOSITION TO  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT

D.P. Van Blaricom declares under penalty of perjury under the laws of the State of  
Washington that the following is true:

1. I am over eighteen years of age and I have personal knowledge of the facts  
contained in this declaration and am otherwise competent to testify to the matters contained in  
this declaration.

2. I have been retained as an expert on behalf of Plaintiffs in the above captioned case.

3. My law enforcement career has spanned over fifty-five years of active employment

to date:

DECLARATION OF D.P. VAN  
BLARICOM IN OPPOSITION TO  
DEFENDANT'S MOTION FOR  
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1 a. Twenty-nine years of continuous police service, during which I was the Chief of  
2 Police of Bellevue, Washington for the last eleven of those years;

3 b. Thereafter, I have been engaged as a police practices consultant for an additional  
4 twenty-six years.

5  
6 3. A detailed statement of my qualifications, experience, training and a list of all of  
7 my publications are attached hereto as Exhibit "A". My areas of expertise in the police arts  
8 and sciences include but are not limited to: police administration, policies, practices,  
9 procedures and standards of care; internal investigation and discipline. As a police practices  
10 expert, I have testified in state and federal courts for both plaintiffs and defendants throughout  
11 the United States.

12  
13 4. I was retained by Plaintiffs' Counsel to review the facts and circumstances of the  
14 King County Sheriff's Office investigation and search for Tanya Rider. Specifically, Tommy  
15 Rider's reports of his missing wife on September 22<sup>nd</sup> and September 23<sup>rd</sup> 2007 (Saturday and  
16 Sunday) until Tanya Rider (victim) was finally located in her wrecked vehicle on September  
17 27, 2007 (Thursday). I have reviewed various documents and transcripts in this matter and  
18 this declaration/report was prepared in reliance upon my review of the following:

- 19  
20 a. King County Sheriff's Department (KCSD) reports 07-284580;  
21 b. Plaintiffs' Complaint;  
22 c. Plaintiffs' Responses to Defendant's First Interrogatories and Requests for  
23 Production;  
24

25  
DECLARATION OF D.P. VAN  
BLARICOM IN OPPOSITION TO  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT PAGE -2-

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- d. A copy of the KCSD fax cover sheet directed to Verizon Wireless and authorization to release this information signed by Tom Rider both dated September 27<sup>th</sup> 2007 (Thursday);
- e. A one page document entitled "Information obtained from the Deposition of Janet Rhodes dated March 16<sup>th</sup> 2012;
- f. 911 call information reflecting that Tom Rider disclosed to 911 operators that he had access to all Victim's credit cards, except Nordstrom's Visa Card;
- g. Defendant's Motion for Summary Judgment with Exhibits:

1) Declarations:

- a) 911 Operator #1 Aaron Siegrist,
- b) 911 Operator Thomas Lowe,
- c) Deputy Christopher Cross,
- d) Administrative Staff Assistant (ASA) Janet Rhodes;

2) Plaintiff's deposition pages 1 through 112;

- h. National Law Enforcement Policy Center Model Policy 055 on Missing Persons.

5. It is my customary practice to evaluate the objective reasonableness of police conduct on a case-by-case basis from the perspective of a former Chief of Police, career law enforcement officer and nationally recognized police practices expert (see Exhibit "A"). In conducting that evaluation I apply:

DECLARATION OF D.P. VAN  
BLARICOM IN OPPOSITION TO  
DEFENDANT'S MOTION FOR  
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OSERAN HAHN SPRING  
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- a. My training and experience as a police officer, who was required to take missing person reports and search for victims in the performance of my law enforcement duties;
- b. My training and experience as a police supervisor, who was assigned to conduct internal investigations;
- c. My training and experience as a police supervisor and commander, who was assigned to train police officers on patrol procedures;
- d. My training and experience as a police supervisor and commander, who had to evaluate the performance of my subordinate police officers;
- e. My training and experience as a chief of police, who had to hire, train, assign, administer and, as may be necessary, discipline and/or terminate police officers;
- f. My training and experience as a chief of police, who had to develop and administer policies and procedures for directing police officers under my command;
- g. My training and experience as a chief of police, who had to review internal investigations and make the final administrative decision on whether to sustain or not sustain allegations of misconduct;
- h. My service as an elected city council member, after my retirement as chief of police;

DECLARATION OF D.P. VAN  
BLARICOM IN OPPOSITION TO  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT PAGE -4-

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- i. My continuing training, as is supplemented by an ongoing review of professional publications, that addresses contemporary developments in my areas of expertise (see Exhibit "A" Continuing Training);
  - j. Although police practice expertise is not generally susceptible to and/or likely to be affected by a *Daubert* analysis, I compare the facts of each matter that I review to recognized professional standards of care:
    - 1) State and federal appellate court decisions, such as *Graham v. Connor* and similar citations,
    - 2) National Law Enforcement Policy Center model policies and similar publications,
  - k. Additionally, I have served as a police practices expert in 1,500+ matters of police-related litigation (see Exhibit "A"), wherein I have testified at deposition or trial in hundreds of cases on whether or not a particular fact pattern was objectively reasonable under the totality of circumstances.
6. My use of certain terms (i.e. – "*negligent*", "*reasonable suspicion*", "*probable cause*", "*objectively reasonable*", "*deliberately indifferent*", "*ratified*", "*unconstitutional*", etc.) merely reflects my training and experience, in applying reasonable standards of care to police officers' conduct, and does not presume or imply a statement of any legal opinion.
7. Similarly, my use of certain terms (i.e. – "*cyanosis*", "*petechiae*", "*apnic*", "*excited delirium*", "*carotid*", "*hyoid*", "*asphyxia*", "*mucosal*", etc.) merely reflects my

DECLARATION OF D.P. VAN  
BLARICOM IN OPPOSITION TO  
DEFENDANT'S MOTION FOR  
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1 training and experience in reviewing triage and/or autopsy reports and does not presume or  
2 imply a statement of any medical opinion.

3  
4 8. Based upon my training, experience and a careful evaluation of the totality of  
5 circumstances in this matter, it is my considered professional opinion that the following facts  
6 appear to be undisputed in the record:

7 a. Victim left her place of employment on September 20, 2007 (Thursday) and was  
8 involved in an accident, wherein she was trapped in her wrecked vehicle for 8  
9 days;

10  
11 b. Because of their varying work schedules, victim's husband was not aware that she  
12 was missing, until he received a call from victim's employer that she had not  
13 reported to work, whereupon he called KCSD on September 22, 2007 (Saturday)  
14 and spoke to 911 Operator Siegrist:

15 1) Operator Siegrist refused to take a missing person report,

16 2) Operator Siegrist essentially told victim's husband to look for her himself;

17  
18 c. Victim's husband called KCSD again on September 23, 2007 (Sunday) and spoke  
19 to 911 Operator Lowe:

20 1) This second 911 operator was much more responsive and helpful,

21 2) He appropriately evaluated the call:

22 a) He initiated a missing person report,

23 b) He dispatched Deputy Cross to contact plaintiff,  
24

25  
DECLARATION OF D.P. VAN  
BLARICOM IN OPPOSITION TO  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT PAGE -6-

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c) He obtained victim's cell phone number of (360) 463-6577

(emphasis supplied);

d. The case was assigned to ASA Rhodes (she is apparently a civilian employee, who is neither a deputy sheriff nor detective) on September 24, 2007 (Monday) and she initiated an investigation:

1) Based upon the information I have been provided, on that first day, ASA Rhodes contacted Verizon (victim's cell phone carrier) and while on hold purportedly learned that the cell "*information would not be released without a subpoena or court order*", so she hung up prior to speaking to any Verizon representatives;

2) The evidence that I have reviewed indicates that in fact a simple statement on county letterhead that "*exigent circumstances*" existed was sufficient to cause Verizon to release this information.

3) In ASA Rhode's declaration she states that, on September 26, 2007 (Wednesday), her "*office requested (victim's) cell phone records from Verizon under exigent circumstances with a warrant to follow*", however contrary to her declaration the documents that I have reviewed indicate that the records were not requested until September 27, 2007 (Thursday) by fax.

DECLARATION OF D.P. VAN  
BLARICOM IN OPPOSITION TO  
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4) It appears shortly thereafter (within a matter of hours) those "records" were promptly provided on September 27, 2007 (Thursday);

e. ASA Rhode's has testified that the Victim was found when her cell phone had been "pinged" by Verizon upon request September 27, 2007 (Thursday), where she was trapped in her upside down vehicle off of a roadway that she had been traveling on her route home from work on September 20, 2007 (Thursday).

9. Based upon my training, experience and a careful evaluation of the totality of circumstances in this matter, it is my considered professional opinion that KCSD did not exercise a reasonable standard of care in fulfilling the special duty to plaintiff, after her husband's contact September 23, 2007 (Sunday), when the missing person report was taken by the 911 operator and approved by his supervisor. In reaching that conclusion I was especially mindful of the following information from the record:

- a. All of the information previously described herein;
- b. Plaintiff testified in his deposition, "*She (ASA Rhodes) told me that if something had gone wrong, that they would locate Tanya (victim) and find out what happened*" (page 112 lines 9-10);
- c. Plaintiff further replied to Defendant's Interrogatories, "*Defendant's Agents expressly and impliedly assured me that they would take all steps necessary to locate my wife*";
- d. It is abundantly clear, , that:

DECLARATION OF D.P. VAN  
BLARICOM IN OPPOSITION TO  
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1) Both plaintiff and victim were clearly relying upon KCSD to locate her and he had provided the essential information to facilitate that search:

- a) KCSD had victim's cell phone number, since finally taking a missing person report on September 23, 2007 (Sunday),
- b) ASA Rhodes knew she would have to access victim's cell phone records by September 24, 2007 (Monday) with a "subpoena or court order",
- c) ASA Rhodes and KCSD made no effort to obtain such records until September 26, 2007 (Thursday) and was then able to easily do so by fax that simply alleged "exigent circumstances",
- d) Thereupon, victim's cell phone records were promptly obtained and victim was located immediately thereafter,
- e) By ASA. Rhode's own admission it apparently was common practice to use such records and information to locate missing persons,

e. In my opinion, the KCSD undertook a special duty to find Victim and failed to exercise a reasonable standard of care in fulfilling that that duty in several respects including but not limited to in failing to promptly obtain Victim's cell phone records and having Verizon ping her cell phone Monday morning September 24, 2007.

DECLARATION OF D.P. VAN  
BLARICOM IN OPPOSITION TO  
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f. As a direct result of the KCSD's actions, Victim needlessly suffered for **at least 4 additional days** (emphasis supplied), from September 24, 2007 (Monday) through September 27, 2007 (Thursday).

g. In any event, KCSD failed to exercise a reasonable standard of care in fulfilling a duty to victim (whether assumed as a special duty or gratuitously)

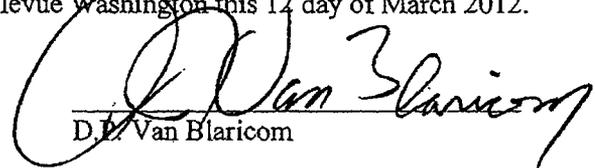
1. not following-up with Tom Rider on the financial information;
2. not promptly obtaining Victim's cell phone information.

h. As ASA Rhodes testified in her own deposition, locating missing persons with cell phone records and company assistance was something she had done a number of times previously and could have been easily accomplished on Monday September 24, 2007 - 4 full days before Victim was ultimately located. (emphasis supplied)

10. I am prepared to testify to these opinions at deposition or trial, if called upon

11. If I am provided with further documentation for my review, I may have additional opinions.

Dated and signed at Bellevue Washington this 12 day of March 2012.

  
D.P. Van Blaricom

DECLARATION OF D.P. VAN  
BLARICOM IN OPPOSITION TO  
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## EXHIBIT "A"

### D. P. VAN BLARICOM, INC.

MPA, FBI-NA, CHIEF OF POLICE (RET.)

**POLICE PRACTICES EXPERT**

835 - 91ST LANE N.E.

BELLEVUE, WASHINGTON 98004-4811

(425) 453-0082 FAX (425) 453-3263 E-Mail dvbinc@aol.com

### SUMMARY of QUALIFICATIONS

- A. Retained as a police practices expert by both plaintiffs and defendants in over **1,500** lawsuits alleging police liability throughout the United States: AK, AL, AZ, CA, CO, DC, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NM, NV, NY, OH, OK, OR, PA, RI, SC, SD, TX, UT, VA, WA, WI and WY.
- B. Testified in several hundred depositions, federal court trials, state court trials and arbitrations.
- C. Prevailing parties' police practices expert in appellate decisions from the United States 1<sup>st</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> Circuits; State Supreme Courts of AK, AZ, CO, ID, MT, MS, OR and WA; Appeals Courts of AZ, CA, CO, FL, GA and WA.
- D. Recognized as an expert on the following issues and all of the cited appellate court decisions were decided in favor of my client:
- POLICE USE of FORCE – Including 350+ Officer-Involved Shootings** (9<sup>th</sup> Cir. Davis v. City of Ellensburg 1989, 9<sup>th</sup> Cir. Davis v. Mason County 1991, a consultant to federal prosecution task force in United States v. Koon, et al. 1993, Rodney King v. City of Los Angeles 1994, 1<sup>st</sup> Cir. Roy v. City of Lewiston 1994, WA App. Lee v. City of Spokane 2000, 9<sup>th</sup> Cir./US S.Ct. Haugen v. City of Puyallup 2003/2004, 9<sup>th</sup> Cir. Wilkins v. City of Oakland 2003, 9<sup>th</sup> Cir. Marsall v. City of Portland 2004, 8<sup>th</sup> Cir. Craighead v. City of St. Paul 2005, 9<sup>th</sup> Cir. Davis v. City of Las Vegas 2007, 9<sup>th</sup> Cir./US S.Ct./9<sup>th</sup> Cir. Lehman v. City of Reno 2007/2009, 9<sup>th</sup> Cir. Kiles v. City of North Las Vegas 2008, 9<sup>th</sup> Cir. Tubar v. City of Kent 2008, AZ App. Celaya v. City of Phoenix 2008, 10<sup>th</sup> Cir. Rhoads v. Big Horn County 2009, Bryan v. City of Las Vegas 2009, 6<sup>th</sup> Cir. Jefferson v. City of Flint 2010, 6<sup>th</sup> Cir. Bletz v. Ionia County 2011, AK S.Ct. Russell v. City of Kotzebue 2011, 9<sup>th</sup> Cir. Glenn v. Washington County 2011 and 6<sup>th</sup> Cir. Haley v. City of Elsmere 2011);
  - LESS-LETHAL ALTERNATIVES to DEADLY FORCE in BOTH EQUIPMENT and TACTICS** (9<sup>th</sup> Cir. Reed v. Hoy 1989 and ID S.Ct. Kessler v. Payette County and State of ID 1997);
  - POLICE K-9s as USE of FORCE** (quoted in Deadly Force: What We Know 1992, FL App. Pacot v. Wheeler 2000);
  - CONTROL of POLICE VEHICULAR PURSUIT and EMERGENCY DRIVING – Including 200+ Accidents** (my policy was recommended by the Public Risk and Insurance Management Association of Washington, D.C. as being among the 4 best in the United States 1984, quoted by 2 CA App. Payne v. City of Perris 1993 and Berman v. City of Daly City 1993, OR S.Ct. Lowrimore v. Marion County 1990, MS S.Ct. Mosby v. Jeffries 1998, CO

- S.Ct. Tidwell v. City & County of Denver 2003, WA App. Brooks v. City of Washougal 2007, CO App. Meyer v. City of Evans 2008 and GA App. McCobb v. Clayton County 2011);
5. **POLICE ADMINISTRATION and POLICY** (7<sup>th</sup> Cir. Montano v. City of Chicago 2008);
  6. **POLICE PRACTICES, PROCEDURES and STANDARDS of CARE** (9<sup>th</sup> Cir. Gulliford v. Pierce County 1998, 6<sup>th</sup> Cir. Carter v. City of Detroit 2005, 9<sup>th</sup> Cir. Hall v. Hughes 2007, 9<sup>th</sup> Cir. Tensley v. City of Spokane 2008, 9<sup>th</sup> Cir. Howell v. Yavapai County Attorney 2008, 9<sup>th</sup> Cir. DeLew v. Adamson 2008, 9<sup>th</sup> Cir. Tennison v. City & County of San Francisco 2009 and 9<sup>th</sup> Cir. Rosenbaum v. Washoe County 2011);
  7. **SPECIAL DUTIES to PROTECT and 911 RESPONSES** (WA S.Ct. Bailey v. Town of Forks 1987, 9<sup>th</sup> Cir. Wood v. Ostrander 1988, WA S.Ct. Roy v. City of Everett 1992, AZ S.Ct. Hutcherson v. City of Phoenix 1998, MT S.Ct. Nelson v. Driscoll 1999, 9<sup>th</sup> Cir. Kennedy v. City of Ridgefield 2005 and 9<sup>th</sup> Cir. Tamas v. WA DSHS 2010);
  8. **DOMESTIC VIOLENCE** (quoted by the National Law Enforcement Policy Center in their model policy 1991, 9<sup>th</sup> Cir. Beier v. City of Lewiston 2004 and WA App. Osborne v. Seymour 2011);
  9. **POLICE RESPONSE to the MENTALLY ILL** (listed in the FBI Academy's Subject Bibliography, 9<sup>th</sup> Cir. Gibson v. Washoe County 2002, US MD PA Schorr v. Borough of Lemoyne 2003 and 9<sup>th</sup> Cir. Herrera v. City of Las Vegas 2004);
  10. **CIVIL RIGHTS VIOLATIONS** (under 42 U.S.C. § 1983);
  11. **EXCITED DELIRIUM and RESTRAINT ASPHYXIA – Including 50+ Deaths** (10<sup>th</sup> Cir. Cruz v. City of Laramie 2001, AZ App. Oscielowski v. City of Benson 2003, 9<sup>th</sup> Cir. Arce v. City of North Las Vegas 2008 and 10<sup>th</sup> Cir. Weigle v. State of WY 2008);
  12. **POLICE INTERNAL INVESTIGATION and DISCIPLINE;**
  13. **DISCRIMINATORY ENFORCEMENT or EMPLOYMENT PRACTICES;**
  14. **AMERICANS with DISABILITIES ACT** (10<sup>th</sup> Cir. Davoll v. City of Denver 1996, 9<sup>th</sup> Cir. Cripe v. City of San Jose 2001 and US PA Schorr v. Borough of Lemoyne 2003);
  15. **POLICE COLLECTIVE BARGAINING;**
  16. **FIREARMS** (USMC trained small arms repair MOS 2111 and police firearms instructor); and
  17. **PRIVATE SECURITY PRACTICES** (US WD WA Groom v. Safeway).
- D. Served 29 years in municipal policing with the last 11 as Chief of Police (until retirement and election to the City Council) in Bellevue, Washington - the State's then fourth largest and fastest growing city.
- E. Directed development of a progressive police department and created several model programs, including: control of vehicular pursuits, alternatives to deadly force, fully integrated emergency response team operations, domestic violence reduction, affirmative action employment of minorities and women, comprehensive crime prevention, lateral recruitment of experienced officers, police canine operations, multi-city narcotics unit and others. Additionally, co-authored the Washington State Standards on Internal Discipline of Law Enforcement agencies.
- F. Served on many professional commissions and committees, including: Washington Criminal Justice Education & Training Center Steering Committee, Bellevue Community College Local Advisory Council and Chairman Law Enforcement Program Advisory Board, Washington Attorney General's Committee on Security and Privacy, consultant to U.S. Department of Justice Community Relations Service, consultant to the National Consultation on Safety and Force, intern with 94th Congress, Governor's appointee to Community Task Force for Corrections

Development, Washington State Council on Crime & Delinquency's Adult Criminal Policy Committee and Ad Hoc Committee on Board of Prison Terms/Paroles, Youth Eastside Services Board of Trustees, Eastside Community Mental Health Center Advisory Board, King County Executive's appointee to E911 Task Force, U.S. Attorney's Law Enforcement Coordinating Committee, Governor's appointee to Select Committee for Police/Fire Pension Review, IACP's Education & Training Committee, IACP's Organized Crime Committee, Assessor Team Leader for 1 of 5 Pilot Projects of the Commission on Accreditation for Law Enforcement Agencies, Governor's appointee to the Emergency Commission on Prison Overcrowding, IACP book reviewer, Suburban Cities Association's Jail Advisory Committee, Governor's Advisory Group on Personal Harassment, Portland, Oregon Chief's Committee on Police Use of Force. Assisted the appointing authorities at various times in selecting Chiefs of Police for Cities of Longview, Everett, Bellingham, Richland, Bremerton, Kirkland, Redmond, Clyde Hill, Kent (1991), Bellevue (1996) a Sheriff of King County and the Security Administrator of Seattle City Light (all in the State of Washington), King County Regional Justice Center Citizens Site Advisory Committee, Solutions To Tragedies of Police Pursuits Advisory Board, Superintendent of Public Instruction's Washington State Safe Schools Advisory Committee, King County Civil Rights Commission, Voices Insisting on Pursuit Safety.

G. Hold a security clearance from the U. S. Government.

H. Maintain an extensive and current library of standards, policies, procedures, references, depositions and information on other experts with subscription services to update professional and legal developments in my areas of expertise.

### ***EDUCATION and CERTIFICATION***

University of Washington - Bachelor of Arts degree with magna cum laude honors 1973

Seattle University - Master of Public Administration degree 1976

Graduate of the FBI's National Academy and Law Enforcement Executive Development programs

**University of Washington – Certificate in Forensics 2000**

**Americans for Effective Law Enforcement – Certified Police Litigation Specialist**

**2003/2008/2011**

### ***CONTINUING TRAINING***

Police Civil Liability AELE 1987, Deadly Force and the Police Officer NWU 1987, Police Liability for Policies and Practices AELE 1988, PR-24 Side Handle Baton BPD 1988, Police Civil Liability AELE 1989, Sexual Harassment and the Consequences FS 1989, Wrongful Discharge RIMS 1989, Police Practices and Use of Expert Witnesses AELE 1989, Expert Witnesses, Litigation Consultants and Attorneys NFS 1989, Police Discipline and Labor Problems AELE 1990, Assessment Center Selection Process HRA 1991, Rodney King Incident and Policing SWLEI 1992, Role of Expert Witnesses in the 1990's SEAK 1992, Critical Liability Issues AELE 1992, Pursuit Driving and Managing Use of Force ILM 1992, AFIS Live ID HP 1993, Police/Medical Investigation of Death IACP 1993, Medical Records Review for the Legal Professional PES 1994, Developing Policies, Procedures and Rules NLEPC 1994, Civil Rights Trial Advocacy ATLA 1994, Family Violence and Police Policy SLEI 1995, Investigation of Excessive Force Incidents IACP 1995, Police Civil Liability

and Defense of Misconduct Complaints AELE 1996, Use of Force and Pursuit Driving Policies SLEI 1996, Critical Incident Dispatching NWU 1996, Police Officer Survival Tactics NWU 1997, Police Civil Liability AELE 1998, Criminal Justice WSBA 1999, Critical Incident Trauma and Legal Survival CP 1999, Traffic Stops and Racial Profiling PI 2001, Racial Profiling NWU 2001, Police Liability LES 2002, Cap-Stun ZARC 2002, Masters in Trial ABOTA 2002, Discipline and Internal Investigations AELE 2003, Critical Incident Response Management and Liability AELE 2003, Police Civil Liability AELE 2003, Police-Involved Shooting Reconstruction NWU 2004, Police Liability AELE 2005, Shooting Reconstruction AAFS 2005, Police Misconduct Litigation SULS 2005, Use of Force TASER 2006, Lethal and Less-Lethal Force AELE 2006, TASER AAFS 2006, Excited Delirium SPD 2007, Winning Extreme Encounters from Street to Court FSRC 2007, Sudden Death, Excited Delirium & In-Custody Death IPICD 2007, Discipline & Internal Investigation AELE 2008, Police Liability LES 2009, Legal, Psychological and Biomechanical Aspects of Officer-Involved Lethal and Less-Lethal Force AELE 2009, Use of Force / Domestic Violence / Community Policing / Emotional Intelligence IACP-PCN 2009, Gunshot Residue / Gunshot Wounds AAFS 2010, Active Shooter / Bloodborne Pathogens / Applied Ethics / Ethnic and Sexual Harassment IACP-PCN 2010, Arrest-Related Excited Delirium Sudden Death IPICD 2010, Discipline and Internal Investigations AELE 2010, ECD Forensic Analyst IPICD 2010, Police Liability LES 2011, Police Pursuit Policy Instructor IADLEST/ALERT 2011.

### ***TEACHING and TRAINING EXPERIENCE***

Washington State Vocational Education Certificate for teaching Police Supervision, taught law enforcement courses at the Bellevue Police Academy, Washington Criminal Justice Education and Training Center, Bellevue Community College, Seattle University, Northwestern University's Traffic Institute and International City Management Association's Training Institute. Lectured on police-related issues before the University of Washington School of Law and Graduate School of Public Affairs, Simon Fraser University, American Civil Liberties Union, Washington State Bar, Seattle-King County Bar, Washington State Court Administrators, Washington Association of Legal Secretaries, American G. I. Forum, United States Justice Department Community Relations Service, National Institute of Law Enforcement and Criminal Justice, U. S. Attorney General's Task Force on Family Violence, Montana Department of Social and Rehabilitation Services, Washington Advisory Committee to the U.S. Commission on Civil Rights, American Society of Criminology, debated California Highway Patrol Commissioner on police pursuit before National Association of Police Planners and International Association of Police Planning and Research Officers in 1990, Labor Relations Information System, City of Bellevue's Management Certificate Training Program, lectured for Association of Trial Lawyers of America's Civil Rights Section and the National College of Advocacy on excessive force from the expert's perspective in 1994 and domestic violence litigation liability arising from failure of prevention and response in 1995, lectured on loss prevention civil liability to Nordstrom Washington/Alaska Region in 1997, demonstrated expert witness testimony to the American Board of Trial Advocates in 2002. Additionally, served on the Law Enforcement Education Advisory Committee to the Washington State Board for Community College Education in developing their statewide curriculum, achieved the first college accreditation of a Basic Law Enforcement Academy in the State of Washington, testified before the California State Senate on police vehicular pursuit in 2005, testified before the City of Oakland Citizens' Police Review Board on police vehicular pursuit policy in 2007, serve of the Bellevue College Criminal Justice Program

Advisory Board, lectured at the Henry C. Lee Institute of Forensic Science on Investigation of Officer-Involved Shootings in 2010.

### ***PUBLICATIONS***

"Recruitment and Retention of Minority Race Persons as Police Officers" in September 1976 issue of The Police Chief magazine, "An Overview of Police Service Today" in the April 18th and May 2nd, 1978 issues of Law Enforcement News, "Kids Meet Cops Through Basketball Trading Card Program" in the July 9th, 1979 issue of Law Enforcement News, "A Police Chief's View of Deadly Force" in the National Institute of Law Enforcement & Criminal Justice January 1979 booklet on Police Use of Deadly Force, "Career Development: The Next Step to Police Professionalism" in the November 1979 issue of The Police Chief magazine, "Crime Prevention Cuts Insurance Cost" in the August 1980 issue of Center City Report, "A Sensible Alternative to Those High-Speed Chases" in the November 25, 1980 issue of The Seattle Times, "Chiefs Should Chase Sane Pursuit Driving Guidelines" in the December 22, 1980 issue of Law Enforcement News, "Commercial Crime Prevention Can Earn Discounts" in the February 1981 issue of the FBI Law Enforcement Bulletin, "Enforcing Malicious Harassment Laws" in the January 1983 edition of Washington Council on Crime and Delinquency News, "Reducing Crime, Traffic Accidents - Bellevue Shows It Can Be Done" in the May 10, 1983 issue of The Seattle Times and the June 27, 1983 issue of Law Enforcement News, "Carrying A Gun - It Depends On You" in the February 3, 1985 issue of the Journal-American, "When To Use Deadly Force" in the Winter 1985 issue of the Washington Law Enforcement Executive Journal, "Domestic Violence - A New Approach to an Old Problem" in the June 1985 issue of The Police Chief magazine, "It's Time for Police To Re-Examine Their Role In Society" in the October 1, 1989 issue of The Seattle Times, "Shaking The Pillars of Police Tradition" in the October 31, 1989 issue of Law Enforcement News, "Training-The First Hundred Years" in Law Enforcement In Washington State: The First Hundred Years 1889-1989, "K-9 Use of Force: A Biting Example of Questionable Policy" in the July/August 1992 issue of Law Enforcement News, "Police Pursuit: Uncontrolled Deadly Force" in the February 28, 1993 issue of Law Enforcement News, Bulletin Alert on a "Hair-raising Comb" in the June 1994 issue of the FBI Law Enforcement Bulletin, "Excessive Force - The Expert's Perspective" in the Association of Trial Lawyers of America July 1994 Annual Convention Reference Materials Volume I, "Domestic Violence Litigation: Liability Arising from Failure of Prevention and Response" in the Association of Trial Lawyers of America July 1995 Annual Convention Reference Materials Volume I, "Shades of Blue: What White Police Officers Can - and Must - Learn from Minority Officers" in the January/February 1996 of the Police Executive Research Forum's Subject to Debate, "Doing Something About Excessive Force" in the January 15, 1998 issue of Law Enforcement News (republished by San Diego State University 2003), "The Consistent Law Enforcement Expert" in the November/December 1998 issue of The Forensic Examiner, "To Pursue or Not to Pursue: THAT is the Question" in the November 1998 issue of Police, "Handling the Mentally Ill" in the March 2000 issue of Police, "Building a Bridge" in the September 30, 2000 (25<sup>th</sup> Anniversary) issue of Law Enforcement News, "The Media: Enemies of Allies?" in the April 2001 issue of The Police Chief, "Control of Police Vehicular Pursuit" in the 2004 (1) issue of the Law Enforcement Executive Forum, "Preventing Officer-Involved Deaths of the Mentally Ill" in the Third Quarter 2004 issue of The Law Enforcement Trainer, "Suicide-by-Cop" in the September-October 2006 issue of American Cop, "Police Response to Excited Delirium" in the January 2008 issue of the IADLEST Newsletter (republished by Americans for Effective Law Enforcement 2008), "Policing in the 1950's" in the January-February 2009 issue of National Academy Associate, "Investigation of

Officer-Involved Shootings" in the 19<sup>th</sup> Annual Markle Symposium program guide September 27-28, 2010 program, **Co-Author (with Dr. Cyril Wecht, Dr. Henry Lee and Chief Mel Tucker) of INVESTIGATION and PREVENTION of OFFICER-INVOLVED DEATHS © 2011 CRC Press.**

### **NATIONAL TELEVISION and RADIO APPEARANCES**

Currently retained as KIRO-TV News' (CBS) police practices consultant.  
NBC Nightly News special report on the dangers of police vehicular pursuit.  
NBC Today Show:

1. Personal protection against criminal attack;
2. Misuse of pepper spray to punish;
3. Police use of force (opposite Rev. Al Sharpton).

NBC "You Be The Judge" on the dangers of police vehicular pursuit.  
NPR "Cops and the Mentally III".

CKNW World Today:

1. TASER;
2. Restraint asphyxia.

### **QUOTED in MAJOR NEWSPAPERS**

USA Today, Wall Street Journal, The New York Times, The Baltimore Sun, Los Angeles Times, San Francisco Chronicle, The Seattle Times, The Oregonian, Toronto Sun, The Virgin Island Daily News ("Deadly Force" won ABA's 2004 Silver Gavel Award), The Tennessean, Christian Science Monitor, Milwaukee Journal Sentinel, Vancouver (B.C.) Sun, Ottawa Citizen.

### **PROFESSIONAL MEMBERSHIPS**

**American Academy of Forensic Sciences (AAFS)**, International Association of Chiefs of Police (IACP) - Life Member, Americans for Effective Law Enforcement (AELE), Association of Certified Litigation Specialists (ACLS), FBI National Academy Associates, Washington Association of Sheriffs & Police Chiefs (WASPC) - Life Member, International Association of Directors of Law Enforcement Standards and Training (IADLEST), Association of Professional Law Enforcement Emergency Vehicle Response Trainers International (ALERT).

### **AWARDS**

USMC Expert Rifleman 1953-1956, FBI "Possible Club" 1970 (of the 19,130 police officers who attended the FBI National Academy during the 50 years from when it started to the year of my retirement in 1985, I was 1 of only 165/.0086% who fired a perfect score on the PPC or TRC), Appreciation from the Drug Enforcement Administration 1977, Outstanding Community Service from Bellevue Jaycees 1979, Human Rights (Implementing Law and Order with Justice) from Baha'i Communities of Bellevue and Eastside 1980, Youth Service from the Chief Seattle Council of the Boy Scouts of America 1983, Program Innovation from the King County Domestic Violence Coalition 1983, Support and Service from Bellevue Cadet Squadron Auxiliary USAF 1984, Law Enforcement Appreciation from the Puget Sound Chapter of the American Society for Industrial Security (presented by the Governor of the State of Washington) 1984, Outstanding Volunteer Service from

the Salvation Army 1984, Outstanding Service as a Public Official Citizenship Award from the Bellevue Kiwanis Club 1985, Appreciation from the United States Secret Service 1986, **Award for Public Service from The U.S. Department of Justice 1986**, Recognition for 30 Years of Public Service from the City of Bellevue 1986, Recognition and Commendation Resolution by the Municipality of Metropolitan Seattle 1988, Appreciation for Service from the Woodland Park Zoo Bond Oversight Committee 1990, Appreciation for Service from the King County Executive 1992, Appreciation for Personal Contribution to Developing Bellevue Convention Center from the City of Bellevue 1993, Outstanding Support of the Arts (jointly with wife) from the City of Bellevue Arts Commission 1993, Commendation for Outstanding Service from the City of Bellevue 1997.

March 20 2012 1:21 PM

KEVIN STOCK  
COUNTY CLERK  
NO: 10-2-13111-1

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Before the Honorable Garold E. Johnson  
Plaintiffs' Responsive Pleadings  
Defendant's Motion For Summary Judgment  
Noted for Friday March 30<sup>th</sup> @ 1:30 pm

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

TANYA and TOMMY RIDER, wife and  
husband and the marital community  
composed thereof,

Plaintiffs,

vs.

KING COUNTY, in its capacity as the  
KING COUNTY SHERIFF'S  
DEPARTMENT.

Defendant.

CAUSE NO. 10-2-13111-1

CERTIFICATE OF FILING AND  
SERVICE  
PLAINTIFFS' MEMORANDUM IN  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT

**CERTIFICATE OF SERVICE**

On this 20<sup>th</sup> day of March 2012, the undersigned declares under penalty of perjury  
under the laws of the State of Washington that the following is true and correct:

1. I am over the age of eighteen and competent to make this declaration.
2. I am an employee of Oseran, Hahn, Spring, Straight & Watts, P.S.
3. On March 20, 2012 I caused to be electronically filed with Pierce County Superior  
Court under the above caption and cause number the following documents:

CERTIFICATE OF FILING and SERVICE  
PAGE -1-

OSERAN HAHN SPRING  
STRAIGHT & WATTS, P.S.  
SUITE #1430, 10900 NE 4<sup>th</sup> STREET  
BELLEVUE, WASHINGTON 98004  
425-455-3900; Facsimile 425-455-9201

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Plaintiffs' Memorandum in Opposition to Defendant's Motion for Summary Judgment ;

Declaration of Paul A. Spencer in Support of Plaintiff's Opposition;

Declaration of Tom Rider in Support of Plaintiffs' Opposition;

Declaration of D.P. VanBlaricom in Support of Plaintiffs' Opposition;  
Certificate of Service

4. In addition, on this date, I caused the pleadings referenced in paragraph 3 above to be forwarded electronically [as agreed by the parties] via the LINX filing system, and a copy via ABC Messenger Service to the following:

Endel R. Kolde  
Jessica Kozma  
King County Prosecuting Attorney  
Civil Division, Litigation Section  
900 King County Administration Bldg  
Seattle, WA 98104

Signed this 20<sup>th</sup> day of March 2012 at Bellevue Washington.

  
Cheryl C. Cook

March 26 2012 1:18 PM

KEVIN STOCK  
COUNTY CLERK  
NO: 10-2-13111-1

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Hon. Garold E. Johnson  
Noted for March 30, 2012 at 1:30 p.m.

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

TANYA and TOMMY RIDER, wife and  
husband and the marital community  
composed thereof,

Plaintiffs,

vs.

KING COUNTY, in its capacity as the  
KING COUNTY SHERIFF'S  
DEPARTMENT,

Defendant.

No. 10-2-13111-1

DEFENDANT'S SUMMARY  
JUDGMENT REPLY AND  
MOTION TO STRIKE

**REPLY**

An action will not lie in tort if a plaintiff cannot establish that the defendant owed him or her a legal duty. In their response, the Riders have failed to offer any convincing authority establishing that King County owed them a legal duty. As a result, Plaintiffs' extensive discussion of King County's alleged "breach" is

DEFENDANT'S SUMMARY JUDGMENT REPLY  
AND MOTION TO STRIKE - 1

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CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

1 irrelevant. We do not reach the issue of breach absent a legal duty. Moreover,  
2 Plaintiffs' attempt to create a legal duty via expert declaration fails and the  
3 declaration should be stricken. Plaintiffs' claim is barred by the public duty  
4 doctrine and must be dismissed.  
5

6 **1. The statement ascribed to Ms. Rhodes does not establish a special**  
7 **relationship, nor does any other statement made by King County.**

8 At best, Plaintiffs claim that on September 24, 2007, "Ms. Rhodes told Mr.  
9 Rider at that time that if something had gone wrong with Tanya, the King County  
10 Sheriff's Department [sic] would locate her." Plaintiffs' Memorandum in  
11 Opposition to Summary Judgment ("Plaintiffs' Memorandum") at 4:1-11. But  
12 assuming, *arguendo*, that this statement was made, it does not unequivocally  
13 indicate that the government would act in a specific manner with regard to locating  
14 Ms. Rider. *Babcock v. Mason County*, 144 Wn.2d 774, 789 (2001); *Johnson v.*  
15 *State*, 164 Wn. App. 740, 753 (2011); *see also* Defendant's Motion for Summary  
16 Judgment at 14-16. Ironically, even if the statement could be viewed as a promise  
17 to locate Ms. Rider, the exact terms of the promise were met because King County  
18 did locate her. Noticeably absent from the alleged promise was either a timeline or  
19 a promise to use any specific method for locating her. Therefore, the statement,  
20 even if made, does not meet the requirements of the special relationship exception.  
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1 Plaintiffs make the conclusory assertion, without citation to any evidence,  
2 that "[i]n this context, Ms. Rhodes represented to Mr. Rider that the KCSD [sic]  
3 would use all reasonable means to find Mrs. Rider and he believed her." Plaintiffs'  
4 Memorandum at 17:11-12. But this conclusory assertion is contradicted by Mr.  
5 Rider's deposition testimony that "[n]o one guaranteed me that they would find  
6 Tanya" and that no King County employees told him they were getting her cell-  
7 phone records. *Kozma Dec.*, Ex, 2 at 112:21-25, 55:13-56:16; 63:16-64:1. Nor  
8 does Mr. Rider's declaration allege that such a statement was ever made. Plaintiffs  
9 claim, again without citation to any evidence, that "Mr. Rider was 'assured' by both  
10 the words and actions of Defendant's representatives that they were actively  
11 looking for his wife." Plaintiffs' Memorandum at 7:20-23. Absent a specific  
12 statement made by someone from King County, this is no more than a conclusory  
13 assertion and does not constitute an express assurance.

14  
15  
16 The fact that King County did not make specific assurances is illustrated by  
17 Plaintiffs' assertion that "Mr. Rider was certainly *under the impression* that  
18 Defendant's representatives were doing everything they could to locate his wife  
19 and more than once the record reflects that he asked them if she could be located  
20 by her cell phone." Plaintiffs' Memorandum at 19:1-4 (emphasis added). But Mr.  
21 Rider's impressions are irrelevant, as are his alleged requests that they locate Ms.  
22  
23

1 Rider by cell-phone, in the absence of a specific promise that King County would  
2 do so by a certain time.

3 Perhaps the use of quotation marks around the word "assured" on page 7 of  
4 Plaintiffs' Memorandum is intended to give the Riders poetic license to stretch the  
5 meaning of that term to encompass Mr. Rider's subjective feelings. But whether  
6 Mr. Rider felt "relieved" that someone was trying to find his wife is simply  
7 irrelevant to the question of legal duty in the absence of a specific promise that the  
8 County was going to take specific actions.<sup>1</sup>

9  
10 Plaintiffs also appear to imply that the frequency of contact Mr. Rider had  
11 with King County somehow created a special relationship. Plaintiffs'  
12 Memorandum at 17:1-10. But Plaintiffs have cited no legal authority for their  
13 novel position, and Washington courts have repeatedly rejected the proposition that  
14 a special relationship can be implied. *Babcock*, 144 Wn.2d at 789 ("A government  
15 duty cannot arise from implied assurances.")<sup>2</sup> Nor is there any authority for the  
16 proposition that King County had a duty to tell Mr. Rider what it was *not* doing to  
17 find Tanya Rider.  
18  
19

20  
21 <sup>1</sup> In his declaration, Mr. Rider states "I was relieved" and "I *assumed* they would use all  
reasonable means to locate her." Rider Declaration at ¶ 21 (emphasis added).

22 <sup>2</sup> While there are some very early public duty decisions leaving the door open for implied  
23 assurances, that door has been shut for well over two decades. *Honcoop v. State*, 111 Wn.2d  
182, 191-93 (1988) (recognizing that *J & B Dev. Co. v. King Cy.*, 100 Wn.2d 299 (1983) was  
overruled in *Taylor v. Stevens Cy.* 111 Wn.2d 159 (1988) and *Meany v. Dodd*, 111 Wn.2d 174  
(1988)).

1 The 911 operator transcripts have been put in the record by both sides and  
2 there is no evidence of an unequivocal assurance of specific actions that meets the  
3 requirement of the special relationship exception. Plaintiffs' ruminations about  
4 assumptions and context do not create a duty. The law requires an unequivocal  
5 express promise of specific government actions. Because this never occurred,  
6 King County did not owe plaintiffs a duty, and their claim fails.

8 **2. Mr. Rider's return to work does not establish detrimental**  
9 **reliance.**

10 Plaintiffs also seek to gloss over another necessary element of the special  
11 relationship exception by arguing that Tom Rider went back to work after King  
12 County took a missing person report. Plaintiffs' Memorandum at 17:23-18:9. But  
13 Plaintiffs have failed to explain how Mr. Rider's return to work delayed the  
14 discovery of Tanya Rider. There is no evidence, not even an assertion, that Mr.  
15 Rider could have obtained the cell records on his own without law enforcement  
16 involvement. And he had already driven past the accident location numerous times  
17 without, of course, locating his wife.<sup>3</sup> *Second Kozma Dec.*, Ex. 1 at 25:14-21,  
18 32:4-8, 69:20-70:2.

19  
20 Moreover, Mr. Rider's testimony shows that he was in fact still looking for  
21 his wife, even after he returned to work. *Second Kozma Dec.*, Ex. 1 at 50:16-25  
22

23 <sup>3</sup> The evidence indicates that Mr. Rider drove past Tanya rider on Route 169 even after King

1 (posted flyers after work), 51:8-14 (tried to call her cell phone), 69:16-70:2 (drove  
2 Tanya's route to and from work and to their Shelton property).

3 This case is a far cry from the one relied on by Plaintiffs, *Beal v. City of*  
4 *Seattle*, where the 911 operator specifically told the victim to wait in front of the  
5 apartment for police to arrive and she was then murdered by her estranged  
6 husband. 134 Wn.2d 769, 786 (1998).

8 Here, there is no evidence that Mr. Rider failed to undertake any act that  
9 would have led to Ms. Rider's earlier discovery because he was relying on King  
10 County. Thus, there is no evidence of detrimental reliance. On the contrary, King  
11 County did not prevent or discourage him from looking for her, and in fact he  
12 continued to do so.

14 **3. The rescue exception does not apply where a police agency is**  
15 **performing a traditional law enforcement function.**

16 Plaintiffs next attempt to circumvent the public duty doctrine by arguing that  
17 the rescue exception applies. Plaintiffs' Memorandum at 19-22. Plaintiffs'  
18 argument seems to be that if King County did not have a duty to find Ms. Rider by  
19 looking for her, then King County therefore became a "gratuitous" rescuer. *Id.* at  
20 20. Finally, Plaintiffs attempt to raise from the dead the notion that certain  
21 relationships carry with them an implied duty, a concept long-ago interred by our  
22

23  

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County took a missing person report.

1 courts. *Id.* at 22; *Honcoop*, 111 Wn.2d at 191-93 (recognizing overruling). *See*  
2 *also Webstad v. Sortini*, 83 Wn. App. 857, 875, n.7 (1996) (Division Two case  
3 recognizing that, unlike *Chambers-Castanes*, the Supreme Court now requires  
4 express assurances); *Johnson v. State*, 77 Wn. App. 934, 939, n.12 (1995), *review*  
5 *denied*, 127 Wn.2d 1020 (1995) (Division One case recognizing that authority  
6 allowing for implied assurances has been overruled).

8 Plaintiffs' first argument is frankly hard to understand, and it appears to  
9 confuse the concept of legal duty to a specific person with the general duty to  
10 protect the public as a whole. *See Osborn v. Mason County*, 157 Wn.2d 18, 28  
11 (2006) (explaining the distinction). Moreover, it is undisputed that Ms. Rhodes  
12 and other King County personnel were engaged in core police functions when  
13 conducting the missing person investigation regarding Ms. Rider. Ms. Rhodes'  
14 primary function for fourteen years has been to conduct such investigations.  
15 *Second Kozma Dec.*, Ex. 2 at 6:2-5, 9:2-6, 17-21. In fact, Mr. Rider appropriately  
16 contacted the King County Sheriff's Office for that very purpose. *Second Kozma*  
17 *Dec.*, Ex. 1 at 30:12-18, 31:10-13. But there is a significant distinction between  
18 Ms. Rhodes' job duties to investigate missing persons in general, and a legal duty  
19 to rescue Ms. Rider in this case. *See Johnson*, 164 Wn. App. at 750-752  
20 (discussing the "gratuitous" requirement and finding it inapplicable in a general  
21 police powers context); *Babcock v. Mason County Fire District No. 6*, 101 Wn.

22  
23  
DEFENDANT'S SUMMARY JUDGMENT REPLY  
AND MOTION TO STRIKE - 7

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
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1 App. 677, 686 (2000), *aff'd*, 144 Wn.2d 774 (2001) (*volunteer* firefighting district  
2 did not gratuitously assume fighting a house fire); *see also* RCW 36.28.010(6)  
3 (county sheriff "shall keep and preserve the peace in their respective counties").  
4

5 It is undisputed that it was Ms. Rhodes' job to investigate missing persons,  
6 so it is unreasonable to argue that she "gratuitously" assumed the duty to rescue  
7 Ms. Rider. She was simply not a volunteer or a good samaritan.<sup>4</sup> You cannot  
8 gratuitously assume a duty that you are paid to do and which is one of your central  
9 job functions. If Plaintiffs were correct on this point, then *every* missing person  
10 police investigation would involve the gratuitous rescue exception, and the public  
11 duty doctrine would cease to exist.  
12

13 Finally, as has been noted above, the concept that a duty can be implied or  
14 that it is inherent in some relationships is no longer good law. The controlling  
15 precedents clearly require an express assurance.  
16

17 **4. Plaintiffs cannot overcome the lack of legal duty by hiring an  
18 expert to conjure one up.**

19 This Court should strike (or at least strongly discount) the declaration of  
20 Plaintiffs' expert D.P. Van Blaricom. King County's motion for summary  
21 judgment pertains to the question of legal duty, not breach or standard of care.  
22 Determining whether a defendant owes an actionable legal duty to the plaintiff is a

23 <sup>4</sup> Gratuitous is defined as "[g]iven or granted without valuable or legal consideration ...

1 legal question for the Court. *Osborn*, 157 Wn.2d at 22-23; *Cummins v. Lewis*  
2 *County*, 156 Wn.2d 844, 852 (2006); *Johnson*, 164 Wn. App at 747. It is  
3 inappropriate for Plaintiffs to invite this Court to outsource its duty to their expert.

4  
5 An expert's testimony may embrace an ultimate issue to be decided by the  
6 trier of fact. ER 704. However, courts have long prohibited opinions on legal  
7 issues under the guise of expert testimony. *See Washington State Physicians Ins.*  
8 *Exch. & Ass'n. v. Fisons Corp.*, 122 Wn.2d 299, 344 (1993) (error for court to  
9 consider legal opinions expressed in affidavits); *see also Tortes v. King County*,  
10 119 Wn. App. 1, 13 (2003) (trial court properly excluded expert testimony on  
11 ultimate legal issue at summary judgment). Thus, Mr. Van Blaricom's opinion  
12 regarding King County's alleged legal duty to plaintiffs is inadmissible,  
13 inappropriate, and should be stricken by the Court.

14  
15 In his declaration, D.P. Van Blaricom states that "KCS D [sic] undertook a  
16 special duty to find Victim and failed to exercise a reasonable standard of care..."  
17 Declaration of D.P. Van Blaricom at 9:19-20. In another part he states "KCS D  
18 [sic] did not exercise a reasonable standard of care in fulfilling the special duty to  
19 plaintiff... ." *Id.* at 8:9-10. How Mr. Van Blaricom reaches this legal conclusion is  
20 not clear, but he cites to Mr. Rider's deposition testimony that Ms. Rhodes  
21 allegedly told him that if something had gone wrong they would locate Ms. Rider

22  
23  

---

voluntary... ." *Black's Law Dictionary* (Abridged 5<sup>th</sup> Ed.) at 358.

DEFENDANT'S SUMMARY JUDGMENT REPLY  
AND MOTION TO STRIKE - 9

**Daniel T. Satterberg**, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

1 and find out what happened, as well as Mr. Rider's self-serving and conclusory  
2 interrogatory answer that Defendant's agents made express and implied assurances  
3 to him "that they would take all steps necessary to locate [his] wife." *Id.* at 8:17-  
4 22.

5  
6 It is for this Court to evaluate the legal import of Ms. Rhodes' alleged  
7 statement, not Mr. Van Blaricom.<sup>5</sup> Additionally, Mr. Rider's conclusory statement  
8 in his interrogatory responses is insufficient to defeat summary judgment. CR  
9 56(e) (nonmoving party on summary judgment must set forth specific facts  
10 showing that there is a genuine issue for trial). *See also Grimwood v. University of*  
11 *Puget Sound, Inc.*, 110 Wn.2d 355, 359-61 (1988) (nonmoving party cannot rely  
12 upon self-serving opinions or conclusory statements to defeat summary judgment).  
13 The rest of Mr. Van Blaricom's declaration regarding King County's alleged  
14 deviation from the standard of care in this missing person investigation is  
15 irrelevant. It is unnecessary to address the issue of breach in the absence of duty.

16  
17 For the same reasons, it is irrelevant whether Mr. Rider mistakenly told Ms.  
18 Rhodes that he did not have access to the USAA bank account or whether she  
19 misunderstood him or should have known otherwise. This factual dispute does not  
20 go to legal duty, only breach.  
21

22  
23 <sup>5</sup> It should be noted that Mr. Van Blaricom is not even a lawyer. Van Blaricom Dec., Ex. A.  
Additionally, similar opinions by Mr. Van Blaricom were properly excluded in federal court.  
*See Second Kozma Dec.*, Ex. 3.

1 The Riders have not brought forward evidence or legal authority putting at  
2 issue the existence of a legal duty in this case. Similarly, they cannot hire an  
3 expert to craft a custom-ordered legal duty where one does not exist. This case  
4 should be dismissed.

5  
6 **5. The Riders' have not shown a statutory basis for a negligent  
7 investigation claim in this case.**

8 As established in King County's moving papers, Washington does not  
9 recognize a common-law tort for negligent investigation. *See* Defendant's Motion  
10 for Summary Judgment at 22-23. Plaintiffs have come forward with no counter-  
11 argument, nor have they pointed to a statutory basis for such a claim. As a result,  
12 the Riders' have conceded this issue.

13 **CONCLUSION**

14 King County respectfully requests that this Court dismiss plaintiffs' case in  
15 its entirety with prejudice because, pursuant to the public duty doctrine, King  
16 County owed no legal duty to the Riders. Additionally, Washington does not  
17 recognize a tort for negligent investigation of a missing person.

18  
19 //

20 //

21 //

22 //

23 //

1 DATED this 26<sup>th</sup> day of March, 2012 at Seattle, Washington.

2 DANIEL T. SATTERBERG  
3 King County Prosecuting Attorney

4 s/ Endel R. Kolde  
5 ENDEL R. KOLDE, WSBA #25155  
6 JESSICA H. KOZMA, WSBA #30416  
7 Senior Deputy Prosecuting Attorneys  
8 Attorneys for King County  
9 King County Prosecuting Attorney's Office  
10 endel.kolde@kingcounty.gov  
11 jessica.kozma@kingcounty.gov  
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DEFENDANT'S SUMMARY JUDGMENT REPLY  
AND MOTION TO STRIKE - 12

**Daniel T. Satterberg**, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819



March 26 2012 1:18 PM

KEVIN STOCK  
COUNTY CLERK  
NO: 10-2-13111-1

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Hon. Garold E. Johnson  
Noted for March 30, 2012

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

TANYA and TOMMY RIDER, wife and husband )  
and the marital community composed thereof, )

Plaintiffs, )

vs. )

KING COUNTY, in its capacity as the KING )  
COUNTY SHERIFF'S DEPARTMENT, )

Defendant. )

No. 10-2-13111-1

SECOND DECLARATION OF  
JESSICA KOZMA

I, Jessica Kozma, declare under penalty of perjury of the laws of the State of Washington  
that the following is true and correct:

1. I am a Senior Deputy Prosecuting Attorney for King County and one of the  
attorneys of record for defendant King County herein.

2. Attached hereto as Exhibit 1 are true and correct copies of excerpts from plaintiff  
Tommy Rider's deposition taken on July 14, 2011.

SECOND DECLARATION OF JESSICA KOZMA - 1

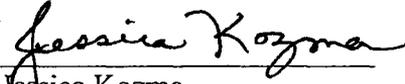
Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

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3. Attached hereto as Exhibit 2 are true and correct copies of excerpts from King County employee Janet Rhodes' deposition taken on March 15, 2012.

4. Attached hereto as Exhibit 3 is a true and correct copy of a "TRANSCRIPT OF EXCERPTS FROM PROCEEDINGS BEFORE THE HONORABLE ROBERT J. BRYAN SENIOR UNITED STATES DISTRICT COURT JUDGE" in the matter of Deitch et al. v. City of Olympia, et al., Docket No. C06-5394RJB.

SIGNED and DATED at Seattle, Washington, this 23rd day of March, 2012.

  
\_\_\_\_\_  
Jessica Kozma

**EXHIBIT 1**

**EXHIBIT 1**

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

---

TANYA and TOMMY RIDER, wife	)	
and husband, and the marital	)	
community composed thereof,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. 10-2-13111-1
	)	
KING COUNTY, in its capacity	)	
as the KING COUNTY SHERIFF'S	)	
DEPARTMENT,	)	
	)	
Defendants.	)	

---

DEPOSITION UPON ORAL EXAMINATION OF TOMMY RIDER

---

9:00 a.m.  
Thursday, July 14, 2011  
11100 Northeast Eighth Street, Suite 350  
Bellevue, Washington

Laurie B. Porter, CCR  
Northwest Court Reporters  
1415 Second Avenue, Suite 1107  
Seattle, Washington 98101  
(206) 623-6136  
[www.northwestcourtreporters.com](http://www.northwestcourtreporters.com)

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APPEARANCES

On Behalf of the Plaintiffs :

PAUL SPENCER

Spencer Law Offices

11100 Northeast Eighth Street Suite 350

Bellevue, Washington 98004

BOYD WILEY

Wiley Law Offices

12515 Meridian East, Suite 101

Puyallup, Washington 98373

On Behalf of the Defendants:

JESSICA HARDUNG KOZMA

DANIEL KINERK

King County Prosecuting Attorney

500 Fourth Avenue, Suite 900

Seattle, Washington 98104

The Videographer: Tania Grant, Royal Video Productions

1 THE VIDEOGRAPHER: Good morning. We are now on  
2 the record. Today's date is July 14th, 2011. The time is  
3 now 9:01 a.m. The location of today's deposition is at  
4 Spencer Law Offices, 11100 Northeast Eighth Street, Suite  
5 350, Bellevue, Washington.

6 My name is Tania Grant, video specialist representing  
7 Royal Video Productions in Issaquah, Washington. The cause  
8 number is 10-2-13111-1, entitled Tanya and Tommy Rider V  
9 King County. Today's deponent is Tom Rider.

10 Will Counsel and all present please identify yourself  
11 and state whom you represent.

12 MS. HARDUNG KOZMA: Jessica Hardung Kozma,  
13 representing the defendant King County.

14 MR. KINERK: Dan Kinerk on behalf of defendant  
15 King County.

16 MR. WILEY: Boyd Wiley, representing  
17 Mr. and Mrs. Rider.

18 MR. SPENCER: Paul Spencer, representing  
19 Mr. and Mrs. Rider.

20 THE VIDEOGRAPHER: The court reporter today is  
21 Laurie Porter with Northwest Court Reporters.

22 You may now swear in the witness.

23 TOMMY RIDER, having been first sworn  
24 under oath by a Washington  
25 State Certified Court Reporter,  
testified as follows:

1 Q. What do you remember about that call?

2 A. Rejection.

3 Q. Can you explain that?

4 A. They gave me a couple of assignments to do before they would  
5 take a report. One was to call Highway -- actually, I think  
6 I may have that a little out of order. I think my first  
7 call was 911 and asked for Highway Patrol to check for  
8 accidents. My second call was to 911 to try and report her  
9 missing. At which time they told me I needed to call the  
10 morgues and the hospitals.

11 Q. Did your initial call get transferred to Bellevue Police  
12 Department?

13 A. Yes.

14 Q. And did you drive to Bellevue?

15 A. Yes.

16 Q. On that Saturday?

17 A. Yes.

18 Q. Do you remember what route you took?

19 A. 169 to 405 to exit number 10, Factoria Boulevard.

20 Q. Is that one of the routes that Tanya would drive to her job?

21 A. Yes.

22 Q. Did she drive other routes as well?

23 A. I don't know.

24 Q. The two of you never talked about which way she drove to  
25 work?

1 Q. And it was Sunday that you spoke to a King County 911  
2 operator again, correct?

3 A. That's correct.

4 Q. Sunday morning?

5 A. Yes.

6 Q. And that's the operator who took the report?

7 A. That's correct, operator 65.

8 Q. And you actually spoke with him a couple of times that day,  
9 correct?

10 A. I spoke with him, yes, a couple of times that day. I  
11 believe he actually called me back.

12 Q. Can you tell me what you remember about your conversations  
13 with operator 65?

14 A. He told me that he was going to take a report. He asked me  
15 all the important information, and said that he was going to  
16 list her on the missing persons' national site; that if  
17 anyone contacted her, she would be located; and that he was  
18 dispatching an officer out to take my written statement.

19 Q. Anything else you can remember that operator 65 said?

20 A. No.

21 MS. HARDUNG KOZMA: We've been going for a while  
22 now. Do you want to take a break?

23 THE WITNESS: Sure.

24 THE VIDEOGRAPHER: We are now going off the  
25 record. The time is 9:57 a.m.

1 (A break was taken.)

2 THE VIDEOGRAPHER: We are now back on the record.

3 The time is 10:12 a.m.

4 Q. Mr. Rider, we're just coming back on the record after a  
5 break. And before we went on break I was asking you about  
6 the substance of your telephone calls with King County  
7 operator number 65. And those calls occurred on Sunday,  
8 which would have been September 23rd, 2007; is that right?

9 A. Yes.

10 Q. Were you satisfied with the conversations that you had with  
11 operator 65?

12 A. I felt a great deal of relief that he was listening and  
13 taking a report.

14 Q. And he said that he would send an officer out to talk to you  
15 at your house?

16 A. Correct.

17 Q. Before the officer came out to your house in Maple Valley  
18 what else do you remember doing that day, that Sunday?

19 A. I believe I called back to operator 65 because I was  
20 starving and the officer hadn't come yet, and just to make  
21 sure that I had time before he got there to run and get  
22 something to eat.

23 Q. Did you make any phone calls that day to any of Tanya's  
24 family members?

25 A. No.

- 1 Q. Besides 911, did you make any phone calls to search for  
2 Tanya on that Sunday?
- 3 A. I don't remember doing so. Yeah, I don't remember.
- 4 Q. Did you drive any of Tanya's potential routes on that  
5 Sunday?
- 6 A. Yes.
- 7 Q. Which routes did you drive?
- 8 A. 169.
- 9 Q. Anything else?
- 10 A. No.
- 11 Q. So the same route you'd driven the day before; is that  
12 right?
- 13 A. Correct.
- 14 Q. So you said that on Saturday you drove past her  
15 grandmother's house and her uncle's house but you didn't  
16 stop and you didn't talk to them; is that right?
- 17 A. That's correct.
- 18 Q. And you said that you tried to call her mother's house; is  
19 that right?
- 20 A. Her mother's cell phone.
- 21 Q. Her mother's cell phone. Did you leave a message?
- 22 A. No.
- 23 Q. How many times did you try to call?
- 24 A. Just once.
- 25 Q. Did she ever call you back?

- 1 Q. So did you email that picture to someone?
- 2 A. The media asked for it, and I emailed it to every one of
- 3 them that asked.
- 4 Q. Did you personally put up any flyers?
- 5 A. Yes.
- 6 Q. Where did you put up flyers?
- 7 A. From Four Corners to her work in north Bellevue.
- 8 Q. What sort of locations were you posting them on?
- 9 A. Places she might go: Marlene's Market and Deli in Federal
- 10 Way, Whole Foods, any of the natural food stores I could
- 11 find, Super Supplements. Places I knew she would frequent.
- 12 Q. Any idea how many flyers you posted on that Monday?
- 13 A. I started with a pile of 3,000, and by handing them to other
- 14 people and the ones I had left, I only had 77 flyers left at
- 15 the end of the day.
- 16 Q. Did you call your boss on Sunday and tell him that you
- 17 wouldn't be in to work the next day?
- 18 A. No.
- 19 Q. Why not?
- 20 A. I needed something to do to keep my mind off of her being
- 21 gone.
- 22 Q. So you went to work on Monday morning?
- 23 A. Yes.
- 24 Q. When did you post the flyers?
- 25 A. Monday after work.

1 Monday during work my boss -- the press called to ask  
2 for an interview. And I was at work, so I had to call Gary  
3 Recca, the owner of SoundBuilt, and ask for permission to  
4 film in the model. And that's when he found out she was  
5 missing, and that's when all the flyers got printed. And  
6 that would have probably been some time around 9:30 to 10:30  
7 in the morning on Monday.

8 Q. Were you continuing to call Tanya's cell phone on Monday?

9 A. It had died Monday afternoon. I knew because it went  
10 straight to the message of the -- no ringing.

11 Q. How many times do you think you tried to call her on Monday?

12 A. I tried to call four to five times, four or five, maybe six  
13 times before it died. And then it died some time during the  
14 afternoon on Monday.

15 Q. How many times do you think you called her on Sunday?

16 A. I couldn't tell you for sure, but it had to have been in the  
17 hundreds.

18 Q. Hundreds of phone calls from your cell phone to her cell  
19 phone on Sunday?

20 A. I believe. It seemed like every five minutes I was trying  
21 to call it.

22 Q. Who was your cell phone provider?

23 A. Verizon.

24 Q. Did you call Verizon?

25 A. Yes.

1 later found out we didn't have.

2 Q. You testified earlier that was actually on Sunday.

3 A. May have been.

4 Q. And it wasn't that you couldn't get the codes; the vehicle  
5 wasn't equipped with the codes. Isn't that right?

6 A. Actually, at the time I didn't know that. It was that they  
7 wouldn't release anything to me because I wasn't on the  
8 title.

9 Q. Didn't you find out that same day that the vehicle wasn't  
10 equipped with it?

11 A. Yes, later, another conversation.

12 Q. So that conversation with operator 65 was on Sunday. Is Jan  
13 Rhodes from King County the only person you spoke with on  
14 Monday?

15 A. She would be, yeah.

16 Q. Did you work a full day on Monday?

17 A. Yes.

18 Q. And you posted flyers after work you said?

19 A. Yes.

20 Q. Did you do anything else?

21 A. I drove again.

22 Q. Where did you go?

23 A. Property in Shelton, her route to work.

24 Q. You say "route to work." You said before there is at least  
25 a few different ways she could have gone. So what route are

- 1           you talking about?
- 2           A. I'm talking about 169 to 405 to her work.
- 3           Q. Did you go to work the next day, on Tuesday?
- 4           A. Yes.
- 5           Q. Do you remember talking to Jan Rhodes again on Tuesday?
- 6           A. Yes. I called her about 8:00 a.m. for an update.
- 7           Q. What did she tell you?
- 8           A. She told me that there had been some activity on one of the
- 9           accounts.
- 10          Q. Anything else?
- 11          A. That it looked like Tanya had left of her own accord because
- 12          it was on an account I didn't have access to.
- 13          Q. What was your response to that?
- 14          A. I was happy if she was all right.
- 15          Q. Is that what you said to Jan? How did you respond to Jan?
- 16          A. I said that's good news, then, isn't it?
- 17          Q. Anything else you can remember about that conversation?
- 18          A. Just that for some reason something about the conversation
- 19          stuck in my head, and I couldn't place it at the time.
- 20          Q. What was that?
- 21          A. The word "accounts."
- 22          Q. What was it about "accounts" that stuck in your mind?
- 23          A. She only had one with her.
- 24          Q. So at that point did you think Tanya had left?
- 25          A. For a brief moment.



1 examination was by me duly sworn to testify to the truth,  
2 the whole truth, and nothing but the truth;

3 I further certify that the deposition, as  
4 transcribed, is a full, true, and correct transcript of  
5 the testimony, including questions and answers, and all  
6 objections, motions and exceptions of counsel made and  
7 taken at the time of the foregoing examination, to the  
8 best of my ability.

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IN WITNESS WHEREOF, this 2nd day of August  
2011.

---

Laurie B. Porter, CCR  
License No. 2376  
Certified Court Reporter in  
and for the State of Washington,  
residing in Issaquah

**EXHIBIT 2**

**EXHIBIT 2**

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

-----  
TANYA and TOMMY RIDER, wife and )  
husband and the marital community )  
composed thereof, )  
Plaintiffs, )

vs. ) No. 10-2-13111-1

KING COUNTY, in its capacity as )  
the KING COUNTY SHERIFF'S )  
DEPARTMENT, )  
Defendants. )

-----  
Deposition Upon Oral Examination of  
JANET RHODES  
-----

900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington

DATE: March 15, 2012

REPORTED BY: Christina Atencio, CCR #2749

1 APPEARANCES:

2

3 For the Plaintiffs: PAUL A. SPENCER, ESQ.  
4 Oseran, Hahn, Spring, Straight  
5 & Watts, P.S.  
6 10900 NE Fourth Street  
7 Suite 1430  
8 Bellevue, WA 98004  
9 (425) 455-3900  
10 pspencer@ohswlaw.com

11

12 For the Defendants: JESSICA H. KOZMA, ESQ.  
13 DEL KOLDE, ESQ.  
14 King County Prosecuting Attorney  
15 900 King County Administration Bldg.  
16 500 Fourth Avenue  
17 Seattle, WA 98104  
18 (206) 296-8820  
19 jessica.kozma@kingcounty.gov  
20 endel.kolde@kingcounty.gov

21

22

23

24

25

1 Seattle, Washington; Thursday, March 15, 2012

2 9:43 a.m.

3 -----

4

5 JANET RHODES, called as a witness in the  
6 above-entitled cause, being  
7 first duly sworn, testified  
8 as follows:

9

10 EXAMINATION

11 BY MR. SPENCER:

12 Q. Could you please state your name and spell it for  
13 the record.

14 A. Janet Rhodes, J-A-N-E-T R-H-O-D-E-S.

15 Q. And, Ms. Rhodes, have you ever been deposed before?

16 A. Yes.

17 Q. How many times?

18 A. Once.

19 Q. Oh, okay. Recently or...

20 A. No.

21 Q. Your attorney has probably gone through this with  
22 you but I'll give you kind of the brief blurb that we love  
23 to give. I'm going to ask you questions. If you don't  
24 understand them, please make sure you let me know that you  
25 don't understand it and I'll try and rephrase. If you

1 A. Major Crimes Unit.

2 Q. And what type of cases do you work on in the Major  
3 Crimes Unit?

4 A. Missing persons and trying to identify unidentified  
5 remains, human remains.

6 Q. I'm trying to do my best math here. It appears that  
7 you went to work for the King County Sheriff's Office  
8 sometime around 1980?

9 A. Correct.

10 Q. Were you employed prior to that time?

11 A. Yes.

12 Q. By whom?

13 A. Fred Meyer.

14 Q. What year did you graduate from high school?

15 A. 1979.

16 Q. Did you attend any college courses?

17 A. Yes.

18 Q. Where did you go to college?

19 A. Bellevue Community College.

20 Q. Did you complete your course of study at Bellevue  
21 CC?

22 A. Yes.

23 Q. What was your degree in?

24 A. I didn't get a degree.

25 Q. What was your course of study at Bellevue CC?

1 A. Yes.

2 Q. Has your position in the Major Crimes Unit changed  
3 since you started there in 1999 until today?

4 A. The title that I was given has changed.

5 Q. Has your actual job changed?

6 A. No.

7 Q. What was the change in title?

8 A. From an OT, office technician, to administrative  
9 staff assistant.

10 Q. When did that change occur?

11 A. I believe it was 1999. It was in the works before I  
12 started in there.

13 Q. Are you a commissioned officer?

14 A. No.

15 Q. So since you started in the missing persons -- or  
16 strike that.

17 Since you started in the Major Crimes Unit in 1999,  
18 has the physical location of your office changed at any  
19 point?

20 A. I actually started there in 1998 and that has not  
21 changed.

22 Q. How many other people presently work with you as an  
23 administrative staff assistant in the Major Crimes Unit?

24 A. None.

25 Q. You're the only administrative assistant in that

1 C E R T I F I C A T E

2 STATE OF WASHINGTON )  
3 ) ss  
4 COUNTY OF SNOHOMISH )

5 I, the undersigned Washington Certified Court  
6 Reporter, hereby certify that the foregoing deposition upon  
7 oral examination of JANET RHODES was taken stenographically  
8 before me on March 15, 2012 and transcribed under my  
9 direction;

10 That the witness was duly sworn by me pursuant to  
11 RCW 5.28.010 to testify truthfully; that the transcript of  
12 the deposition is a full, true and correct transcript to the  
13 best of my ability; that I am neither attorney for nor a  
14 relative or employee of any of the parties to the action or  
15 any attorney or counsel employed by the parties hereto nor  
16 financially interested in its outcome.

17 IN WITNESS WHEREOF, I have hereunto set my hand this  
18 16th day of March 2012.

19  
20 \S\CHRISTINA ATENCIO

21  
22 \_\_\_\_\_  
23 Washington Certified Court Reporter No. 2749  
24 License expires November 6, 2012

**EXHIBIT 3**

**EXHIBIT 3**

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

3 RALPH DEITCH and JANET IMUS,  
husband and wife,

4 Plaintiffs,

5 vs.

6 THE CITY OF OLYMPIA, a Municipal  
7 Corporation; CLIFF MAYNARD, in his  
individual capacity; JACOB BROWN,  
8 in his individual capacity; DAN  
SMITH, in his individual capacity;  
9 JOHN DOE #1, in his individual  
capacity; and MICHELLE ASHLEY-COLE,  
10 in her individual capacity,

11 Defendants.

Docket No. C06-5394RJB

Tacoma, Washington  
January 25, 2008

12 TRANSCRIPT OF EXCERPT FROM PROCEEDINGS  
13 BEFORE THE HONORABLE ROBERT J. BRYAN  
SENIOR UNITED STATES DISTRICT COURT JUDGE

14 APPEARANCES:

15 For the Plaintiff: HUGH J. MCGAVICK  
1722 Harrison Avenue Northwest, Suite D  
16 Olympia, Washington 98502

17 For the Olympia  
Defendants: DONALD L. LAW  
Law, Lyman, Daniel, Kamerrer &  
18 Bogdanovich, P.S.  
P.O. Box 11880  
19 Olympia, Washington 98508-1880

20 For Defendant  
Ashley-Cole: J. MICHAEL MORGAN  
1800 Cooper Point Road Southwest  
21 Building 11  
Olympia, Washington 98502

22 Court Reporter: Julaine V. Ryen  
23 Union Station Courthouse, Rm 3130  
1717 Pacific Avenue  
24 Tacoma, Washington 98402  
(253) 882-3832

25 Proceedings recorded by mechanical stenography, transcript  
produced by Reporter on computer.

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THE COURT: Going back to Mr. Van Blaricom.

The motion is against all of his testimony. There's no doubt that he has a long history in law enforcement and all that stuff. He couches his opinions, however, in terms that are not admissible evidence. This testimony has to be evaluated not in light of the case, which is my case, cited by Mr. McGavick, of Davis v. Mason County, because that preceded Daubert v. Merrell Dow and Kumho Tire, and the landscape has substantially changed since Davis in regard to what is appropriate expert testimony.

I want to point out some specifics here.

In paragraph 5 of his report, which is filed as document 73-3 in the docket, he says, "It is my customary practice to evaluate the objective reasonableness of police conduct on a case-by-case basis from the perspective of a police reviewing authority."

That doesn't tell me that he is -- you know, I don't know what that means, and a police reviewing authority is not the standard that we would look at here.

In paragraph 6, he says his use of certain terms, which are terms of legal art, "merely reflects my training, in applying reasonable standards of care to officers' conduct, and does not presume or imply a statement of any legal opinion."

1 Well, then he proceeds to make a whole bunch of legal  
2 opinions. Those are legal terms, and what that paragraph 6  
3 tells me is that he is making an attempt to give a legal  
4 analysis and try and hide it by terms that he says are not  
5 legal but are.

6 Now, turning to the merits of his opinions or to the  
7 specific opinions, we start with paragraph 8 where he says,  
8 "Based upon my training, experience and a careful evaluation  
9 of the totality of circumstances in this matter, it is my  
10 considered opinion that the entry into plaintiffs' home and  
11 the forcible taking of property was contrary to accepted  
12 police practice and without lawful authority."

13 That is not an admissible opinion under the Daubert and  
14 Kumho Tire analysis. He says, basically, I have a lot of  
15 experience and knowledge and I say this was contrary to  
16 accepted police practice, but he gives us no analysis of where  
17 he got the idea of what was accepted police practice. That's  
18 omitted from his opinion, and it's impossible to test the  
19 validity of that opinion. When he says it's without lawful  
20 authority, that is strictly a legal conclusion.

21 He does particularly -- well, he makes some other  
22 conclusions under that paragraph 8 that are inappropriate  
23 conclusions. In subparagraph (e), he says that Officer  
24 Maynard "was essentially acting in the capacity of [Michelle  
25 Ashley-Cole's] personal police representative."

1       You know, he can't come to that kind of a conclusion based  
2 on what went on here. The jury might want to, but he can't,  
3 just because he has had a lot of experience.

4       In paragraph (f) he pronounces what are universal  
5 municipal police practices but provides no basis for his  
6 opinion, as to where he got that conclusion.

7       In paragraph 9 he says, and I quote again, "Based upon my  
8 training, experience and a careful evaluation of the totality  
9 of circumstances in this matter, it is my considered opinion  
10 that plaintiff Janet Imus was a victim of excessive force by  
11 Officer Cliff Maynard."

12       That, again, is just a legal conclusion and argument from  
13 plaintiffs' point of view and is not an appropriate opinion to  
14 get from an expert witness.

15       In subparagraph (e), he again engages in a legal analysis.  
16       Paragraph 10, he says, "Based upon my training, experience  
17 and a careful evaluation of the totality of circumstances in  
18 this matter, it is my considered opinion that Officers Cliff  
19 Maynard and Jacob Brown were trained and supervised with  
20 deliberate indifference to the constitutional rights of those  
21 persons with whom they would foreseeably make official contact  
22 in the performance of his duties."

23       That is again an opinion based on "because I said so," not  
24 on any testable basis. He picks the evidence he chooses to  
25 believe and comes to an opinion that the jury is fully

1 qualified to make, if it's necessary to make such an opinion.

2 In subparagraph (h) under paragraph 10, he takes on the  
3 defense expert Curtright, and says that Mr. Curtright's  
4 opinion is remarkable and erroneous, which is just argument,  
5 and he says, "it is a basic premise of police administration  
6 that officers must be trained on all ... policies, if they are  
7 reasonably expected to follow them." He provides no basis for  
8 that opinion, and that's not an opinion that he can give  
9 without providing a basis for it.

10 Number 11, again, he says, "Based upon my training,  
11 experience, and a careful evaluation of the totality of  
12 circumstances in this matter, it is my considered opinion that  
13 the [Olympia Police Department] has a custom, policy and  
14 practice of making unlawful entry into private homes,  
15 participating in the unlawful seizure of property and using  
16 excessive force." And then he lists the things he considered  
17 again. That is a legal opinion that is not based on anything  
18 other than his claimed experience.

19 And under that paragraph 11, he provides a couple of  
20 comments. In subparagraph (h) he says, "the OPD failed to  
21 conduct an internal investigation of plaintiffs' complaints  
22 and have ratified their officers' conduct." He's making  
23 factual conclusions and legal conclusions in that subparagraph  
24 that he could not testify to in court.

25 In paragraph (j), he says that the chief ratified all of

1 the officers' actions in this matter as having been within the  
2 custom, policy and practice of the City of Olympia. It is  
3 again a conclusion not based on anything except because he  
4 says so.

5 Under Kumho Tire and Daubert and their progeny, I must  
6 determine whether the evidence to be offered has a reliable  
7 basis in the knowledge and experience of the relevant  
8 discipline.

9 Mr. Van Blaricom's opinion does not meet the standard of  
10 evidentiary reliability in this case. The theory or technique  
11 that he used to reach his conclusions is not clear. There is  
12 no showing that it has been tested or can be tested.

13 There is no showing that the theory or technique has been  
14 subjected to any peer review or publication or whether it has  
15 the rate of error as those cases comment on. There's no  
16 showing that the theory or technique is generally accepted in  
17 the law enforcement community, and it's not sufficient for a  
18 qualified expert to render an opinion based on an ipse dixit  
19 analysis.

20 You know, when I came on this court, I was talking to  
21 Judge Tahner one day and he said, "Well, if somebody asks you  
22 the reason for your ruling, just tell them ipse dixit, because  
23 I said so."

24 This analysis of Mr. Van Blaricom is basically this, "I've  
25 been a police officer for a long time and have a lot of

1 experience, and because I said so, it's true," and that's not  
2 sufficient in modern practice. His opinion is legal argument  
3 rather than expert analysis.

4 Defense motion number 11 should be granted.

5 \* \* \* \* \*

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C E R T I F I C A T E

10 I certify that the foregoing is a correct transcript from  
11 the record of proceedings in the above-entitled matter.

12

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14 /s/ Julaine V. Ryen  
JULAINÉ V. RYEN

February 6, 2008  
Date

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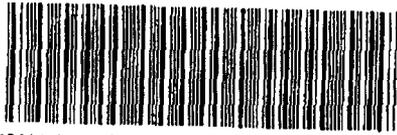
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Honorable Garold-E. Johnson  
Noted for March 30, 2012 @ 1:30 p.m.

DEPT 16

MAR 30 2012

DEPT 16  
*[Signature]*

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

TANYA and TOMMY RIDER, wife and husband )  
and the marital community composed thereof, )

No. 10-2-13111-1

Plaintiffs, )

vs. )

ORDER GRANTING KING  
COUNTY'S MOTION FOR  
SUMMARY JUDGMENT

KING COUNTY, in its capacity as the KING )  
COUNTY SHERIFF'S DEPARTMENT, )

(PROPOSED)

Defendant. )

This matter having come before this Court on King County's motion for summary judgment, and the Court having reviewed said motion, plaintiff's response thereto, and King County's reply to that response, and the following:

*King County's Supporting Evidence:*

1. Declaration of Jessica Kozma, including the following attached exhibits:  
 Exhibit 1: Plaintiffs' Complaint for Personal Injury and Damages;  
 Exhibit 2: Excerpts from the deposition of Tommy Rider taken on July 14, 2011;

ORDER GRANTING KING COUNTY'S MOTION  
FOR SUMMARY JUDGMENT - 1

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

1 Exhibit 3: Excerpts from King County's First Interrogatories and Requests for Production to  
 2 Plaintiff Tommy Rider and Responses Thereto;

3 2. Declaration of Aaron Siegrist, including the following attached exhibit:

4 Exhibit 1: 911 transcript from September 22, 2007 Rider call;

5 3. Declaration of Thomas Lowe, including the following attached exhibit:

6 Exhibit 1: 911 transcript from September 23, 2007 Rider calls;

7 4. Declaration of Christopher Cross, including the following attached exhibit:

8 Exhibit 1: Follow-Up Report from Deputy Cross;

9 5. Declaration of Janet Rhodes, including the following attached exhibit:

10 Exhibit 1: Follow-Up Report from Janet Rhodes;

11 6. Supplemental Declaration of Janet Rhodes;

12 7. Second Declaration of Jessica Kozma, including the following attached exhibits:

13 Exhibit 1: Excerpts from the deposition of Tommy Rider taken on July 14, 2011;

14 Exhibit 2: Excerpts from the deposition of Janet Rhodes taken on March 15, 2012;

15 Exhibit 3: True and correct copy of a "TRANSCRIPT OF EXCERPTS FROM  
 16 PROCEEDINGS BEFORE THE HONORABLE ROBERT J. BRYAN SENIOR  
 UNITED STATES DISTRICT COURT JUDGE" in the matter of Deitch et al. v.  
 17 City of Olympia, et al., Docket No. C06-5394RJB.

18 *Plaintiff's Supporting Evidence:*

19 1. Declaration of Paul Spencer;

20 2. Declaration of Tom Rider; and

21 3. Declaration of D.P. Van Blaricom.

22 and being otherwise fully advised, now therefore,

23  
 ORDER GRANTING KING COUNTY'S MOTION  
 FOR SUMMARY JUDGMENT - 2

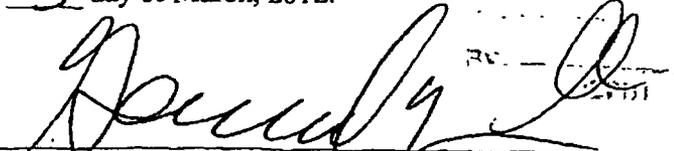
Daniel T. Satterberg, Prosecuting Attorney  
 CIVIL DIVISION, Litigation Section  
 900 King County Administration Building  
 500 Fourth Avenue  
 Seattle, Washington 98104  
 (206) 296-8820 Fax (206) 296-8819

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that King County's motion for  
2 summary judgment is granted. As against King County and any of its departments, agents, and  
3 employees, this action is dismissed in its entirety with prejudice.

DEPT

MAR 30 2012

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5 DONE IN OPEN COURT this 30<sup>th</sup> day of March, 2012.

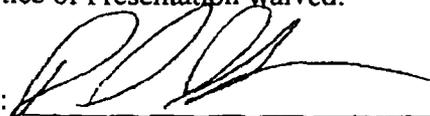
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8 HONORABLE GAROLD E. JOHNSON

9 Presented by:

10 DANIEL T. SATTERBERG  
11 King County Prosecuting Attorney

12 By: s/Jessica H. Kozma  
13 ENDEL R. KOLDE, WSBA #25155  
14 JESSICA H. KOZMA, WSBA #30416  
15 Senior Deputy Prosecuting Attorneys  
16 Attorneys for Defendant King County

17  
18 Copy received; Approved as to form;  
19 Notice of Presentation waived:

20 By:   
21 Paul A. Spencer, WSBA #19511  
22 Plaintiffs' Attorney

23 By: \_\_\_\_\_  
Boyd S. Wiley, WSBA #18817  
Plaintiffs' Attorney

ORDER GRANTING KING COUNTY'S MOTION  
FOR SUMMARY JUDGMENT - 3

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

May 23 2012 11:45 AM

KEVIN STOCK  
COUNTY CLERK  
NO: 10-2-13111-1

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

TANYA and TOMMY RIDER, wife and  
husband and the marital community  
composed thereof,  
Plaintiffs,

vs.

KING COUNTY, in its capacity as the  
KING COUNTY SHERIFF'S  
DEPARTMENT.  
Defendant.

CAUSE NO. 10-2-13111-1

DESIGNATION OF CLERK'S PAPERS

TO: Pierce County Superior Court Clerk

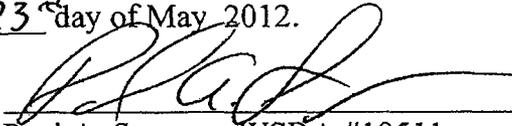
The Appellants, Tanya and Tommy Rider in that pending under Court of  
Appeals, Division II Cause No. 43363-0-II respectfully requests the Clerk of Pierce  
County Superior Court to transmit the following pleadings to the Court of Appeals  
under Cause No. 43363-0-II.

DESIGNATION OF CLERK'S PAPERS  
PAGE -1-

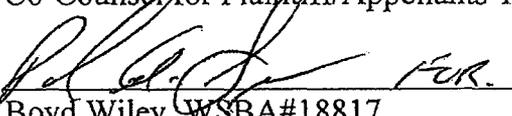
OSERAN HAHN SPRING  
STRAIGHT & WATTS, P.S.  
SUITE #1430, 10900 NE 4<sup>TH</sup> STREET  
BELLEVUE, WASHINGTON 98004  
425-455-3900; Facsimile 425-455-9201

	Filing Date	Pleading Description
1		
2	09/16/2010	Complaint
3		
4	01/06/2011	Answer
5	03/01/2012	Motion for Summary Judgment
6	03/19/2012	Declaration of Janet Rhodes
7		
8	03/20/2012	Memorandum in Opposition to Defendants SJ Motion
9	03/20/2012	Declaration of Paul Spencer in Opposition to SJ Motion
10	03/20/2012	Declaration of Tom Rider in Opposition to SJ Motion
11		
12	03/20/2012	Declaration of DP Van Blaricom in Opposition to SJ
13	3/20/2012	Certificate of Service
14	03/26/2012	Defendant's Reply & Motion to Strike
15		
16	03/26/2012	Second Declaration of Jessica Kozma
17	03/30/2012	Order Granting Summary Judgment

18 Dated this 23<sup>rd</sup> day of May, 2012.

19 

20 Paul A. Spencer, WSBA #19511  
 21 Oseran, Hahn, Spring, Straight & Watts, P.S.  
 22 Co-Counsel for Plaintiff/Appellants Tanya & Tom Rider

23  FCR.

24 Boyd Wiley, WSBA#18817  
 25 Wiley Law Offices, PLLC  
 Co-Counsel for Plaintiffs

DESIGNATION OF CLERK'S PAPERS  
 PAGE -2-

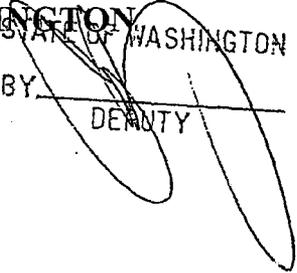
OSERAN HAHN SPRING  
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 SUITE #1430, 10900 NE 4<sup>th</sup> STREET  
 BELLEVUE, WASHINGTON 98004  
 425-455-3900; Facsimile 425-455-9201

FILED  
COURT OF APPEALS  
DIVISION II

2013 SEP 17 AM 8:42

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
STATE OF WASHINGTON

DIVISION II

BY  DEPUTY

TANYA and TOMMY RIDER, wife and  
husband and the marital community composed  
therof,

No. 43363-0-II

Appellants,

v.

KING COUNTY in its capacity as the KING  
COUNTY SHERIFF'S DEPARTMENT,

UNPUBLISHED OPINION

Respondent.

PENOYAR, J. — Tanya and Tommy Rider appeal the summary judgment dismissal of their negligence complaint, arguing that King County owed them a duty of care under exceptions to the public duty doctrine. Because the special relationship and rescue exceptions to the public duty doctrine do not apply under the facts presented, we affirm.

FACTS

On the morning of September 20, 2007, Tanya Rider left her overnight job and began driving home. Tanya's<sup>1</sup> vehicle left State Route 169 and landed in a ravine, where it was not visible from the roadway.

Tommy learned that his wife was missing on Saturday, September 22, when Tanya's employer called to tell him that Tanya had not reported for her scheduled shift. Tommy had last spoken with Tanya by phone on Wednesday evening, September 19.

<sup>1</sup> We will refer to the Riders by their first names for clarity.

43363-0-II

After receiving the call from her employer, Tommy called 911 to report that Tanya was missing. After his call was transferred several times to the proper operator, Aaron Siegrist asked Tommy a series of questions to determine whether Tanya met the criteria for a missing persons report. Tommy said that he had checked local hospitals, but Siegrist told Tommy that he would also need to contact area jails before a missing person report could be taken, and Siegrist advised Tommy to continue to check area hospitals and look for activity on Tanya's bank accounts.

Tommy called 911 again on Sunday, September 23, and spoke with operator Thomas Lowe. At the same time, Tommy was on the phone with the Honda dealer to determine whether Tanya's car contained a vehicle locator. Lowe told Tommy to finish that call and call him back. When Tommy called Lowe again, he reported that the car did not have a vehicle locator, and Lowe obtained the information needed to file a missing person report. Lowe gave Tommy a case number and told him that Tanya's information would be entered into a nationwide computer system so that, if she were found and a check was done on her name, she would be identified as a missing person and Tommy would be contacted. Lowe called Tommy later that day to obtain additional vehicle information and to tell him that an officer would be sent to his home.

King County Deputy Sheriff Christopher Cross came to the Rider home on Sunday evening. He searched the residence at Tommy's invitation and gave Tommy a business card with instructions to call the Major Crimes Unit the next morning.

On Monday, September 27, Janet Rhodes, who investigates missing persons for the King County Sheriff's Office, called Tommy after reviewing the report about Tanya. According to Rhodes, Tommy told her that Tanya was the only person with access to a USAA bank account

43363-0-II

and a Nordstrom VISA. According to Tommy, he told Rhodes that he lacked only online access to the USAA account. He also claimed that Rhodes told him that if something had gone wrong with Tanya, King County would find her.

Tommy went back to work after speaking with Rhodes, but he continued to drive Tanya's route to and from work and to their other property, and he posted flyers about her disappearance.

Rhodes contacted USAA and Nordstrom, and each confirmed that Tanya was the only person with access to the accounts.<sup>2</sup> She spoke with Tanya's supervisor, tried unsuccessfully to reach Tanya by calling her cell phone, and contacted Tanya's cellular provider, Verizon. Verizon's automated message reported that information would not be released absent a subpoena or court order. On both Monday and Tuesday, Rhodes learned of activity on the USAA account, and she came to believe that Tanya was not actually missing, though she continued her investigation.

A further conversation with Tommy on Wednesday clarified that he also had access to the USAA account. Tommy told Rhodes that he had misunderstood her earlier question about account access because he was so exhausted. He explained that he was responsible for the recent USAA account activity.

In light of this information, Rhodes asked her supervisor if Tanya's cell phone records could be obtained, and a detective requested Tanya's records from Verizon on Thursday, September 27. The records were requested due to exigent circumstances with a warrant to follow. A few hours after obtaining the cell phone information, which showed the cell tower location of her last cell phone activity, King County deputies found Tanya's car. Tanya was inside and had survived.

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<sup>2</sup> A USAA representative later told Tommy that there had been no such communication.

In September 2010, the Riders sued King County for negligence, asserting that the County had breached its duty to take reasonable measures to locate Tanya and had thereby caused both her and Tommy to sustain damages. The trial court granted King County's motion for summary judgment and dismissed the complaint with prejudice.

#### ANALYSIS

##### I. STANDARD OF REVIEW

When reviewing an order on summary judgment, we engage in the same inquiry as the trial court. *Munich v. Skagit Emergency Commc'n Ctr.*, 175 Wn.2d 871, 877, 288 P.3d 328 (2012). Summary judgment is proper when the record demonstrates that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law. *Cummins v. Lewis County*, 156 Wn.2d 844, 852, 133 P.3d 458 (2006); CR 56(c). We consider all facts and reasonable inferences in the light most favorable to the nonmoving party. *Babcock v. Mason County Fire Dist. No. 6*, 144 Wn.2d 774, 784, 30 P.3d 1261 (2001). The party opposing summary judgment "may not rely on speculation, argumentative assertions that unresolved factual issues remain, or in having its affidavits considered at face value." *Seven Gables Corp. v. MGM/UA Entm't Co.*, 106 Wn.2d 1, 13, 721 P.2d 1 (1986). In a negligence action, whether an actionable duty was owed to a plaintiff is a threshold determination and a question of law that we review de novo. *Munich*, 175 Wn.2d at 877.

##### II. PUBLIC DUTY DOCTRINE

Governmental entities are liable for damages arising out of their tortious conduct, or the tortious conduct of their employees, "to the same extent as if they were a private person or

corporation.” *Cummins*, 156 Wn.2d at 853 (quoting RCW 4.96.010(1)). When the defendant in a negligence action is a governmental entity, the public duty doctrine provides that a plaintiff must show the duty breached was owed to him or her in particular and was not the breach of a duty owed to the public in general. *Babcock*, 144 Wn.2d at 785. “[A] duty owed to all is a duty owed to none.” *Beal v. City of Seattle*, 134 Wn.2d 769, 784, 954 P.2d 237 (1998). The public duty doctrine is a “focusing tool” used to determine whether the defendant owed a duty to the public or a particular individual. *Osborn v. Mason County*, 157 Wn.2d 18, 27, 134 P.3d 197 (2006).

There are four exceptions to the public duty doctrine: (1) legislative intent, (2) failure to enforce, (3) the rescue doctrine, and (4) a special relationship. *Munich*, 175 Wn.2d at 879. If any one of the exceptions applies, the government is held as a matter of law to owe a duty to the plaintiff. *Munich*, 175 Wn.2d at 879. At issue in this appeal are the special relationship and rescue exceptions.

A. SPECIAL RELATIONSHIP EXCEPTION

A special relationship between a governmental agency and a plaintiff will exist and thereby give rise to an actionable duty if three elements are established: (1) direct contact or privity between the agency and the plaintiff that sets the plaintiff apart from the general public, (2) an express, specific assurance given by the agency, and (3) justifiable reliance on the assurance by the plaintiff. *Munich*, 175 Wn.2d at 879; *Meaney v. Dodd*, 111 Wn.2d 174, 178-79, 759 P.2d 455 (1988). Where duty is analyzed under the special relationship exception, courts look to the manner and extent of contact between the government official and the plaintiff and to

how explicit were the assurances of aid allegedly created thereby. *Cummins*, 156 Wn.2d at 860; *see also Johnson v. State*, 164 Wn. App. 740, 753, 265 P.3d 199 (2011) (plaintiff must seek and government must expressly give assurances indicating that it will act in a specific manner), *review denied*, 173 Wn.2d 1027 (2012).

The County concedes that Tommy's direct contact with the 911 operators and Rhodes satisfies the privity requirement. *See Cummins*, 156 Wn.2d at 854-55 (privity established by showing that 911 operator affirmatively communicated some assurance that assistance would be sent). The County also concedes that for the purposes of this appeal, it must assume that Rhodes told Tommy that "[i]f something had gone wrong, that they would locate Tanya and find out what happened." Clerk's Papers (CP) at 58; *see Babcock*, 144 Wn.2d at 784 (when reviewing summary judgment order, all facts are considered in the light most favorable to the nonmoving party).<sup>3</sup>

The Riders argue that Rhodes represented that she was actively looking for Tanya and implied that she was using all reasonable means in doing so. They contend that with this statement, the County assumed a duty to use reasonable care in its investigation.

The County responds that Rhodes's alleged statement was neither an express assurance that she would take specific steps to search for Tanya nor an assurance that she would employ specific methods to find Tanya within a specific timeline. The County argues that at most, Rhodes made implied assurances that are insufficient to support the special relationship exception.

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<sup>3</sup> The Riders relied on this as the only express assurance in responding to the County's motion for summary judgment. They now claim in their reply brief that Detective Cross made similar assurances, but the record does not support this claim.

As support, the County cites *Cummins*, where the Supreme Court held that the absence of an express assurance from a 911 operator that medical assistance would be dispatched precluded the court from finding as a matter of law that the plaintiff had established an actionable duty against the county. 156 Wn.2d at 855. Even if the nature of the 911 system provided an inherent assurance that medical assistance would be forthcoming once a call was placed, any such inherent assurance, like an implied assurance, could not provide a sufficient basis for finding an actionable duty under the special relationship doctrine. *Cummins*, 156 Wn.2d at 856. The County also cites *Babcock*, where the Supreme Court again rejected the argument that implied assurances could give rise to a governmental duty. 144 Wn.2d at 791. In *Babcock*, a firefighter's statement to a homeowner that the firefighters would take care of his property was not an express assurance that she or the other firefighters would act in a specific manner. 144 Wn.2d at 791.

The Riders maintain that Rhodes's assurance of aid is more analogous to the following assurances from a 911 operator that supported the special relationship exception in *Beal*:

911: Okay. Well I'll tell you what, we're going to send somebody there. Are you going to wait in number 4 [another apartment] until we get there?

CALLER: I'll be waiting outside in the front with my mom.

911: Okay. We'll get the police over there for you okay?

CALLER: Alright [sic], thanks.

134 Wn.2d at 785. With these statements, the 911 operator gave express assurances that police would be dispatched to assist. *Beal*, 134 Wn.2d at 785. The Riders also rely on *Munich*, where a 911 operator twice assured a caller who was being threatened by a neighbor that a deputy was on his way. 175 Wn.2d at 875. The court again found express assurances promising action. *Munich*, 175 Wn.2d at 885.

We find *Beal* and *Munich* distinguishable. In both cases, an express promise of specific future action was made. Here, there was only the general statement that Tanya would be found if something bad had happened, with no mention of any specific future action.

We are persuaded that *Babcock* is more analogous and bars any conclusion that the express or explicit assurance needed to establish a special relationship was made in this case. In his deposition, Tommy acknowledged that Rhodes and the 911 operators did not advise him that they were taking specific actions to find Tanya and did not guarantee that they would find her. “No one guaranteed me that they would find Tanya. . . . No, they did not give me expressed guarantees. They did give me the impression they were looking.” CP at 58-59. While he “assumed they would use all reasonable methods” to locate Tanya, he neither sought nor received express assurances of specific conduct. CP at 301.

Moreover, even if we were to conclude that Tommy did receive a promise of specific conduct, we could not conclude that he relied on that promise to his detriment.

Whether a party justifiably relies on information is a question of fact generally not amenable to summary judgment. *Babcock*, 144 Wn.2d at 792. For the government to be bound, the plaintiffs must rely on the assurance to their detriment. *Babcock*, 144 Wn.2d at 793. In *Babcock*, the facts did not show detrimental reliance because the homeowner ignored the alleged assurance from the fire fighter and attempted to move his truck. “He did not discontinue his efforts to salvage his property because of the statements made by the fire fighter.” *Babcock*, 144 Wn.2d at 793. By contrast, detrimental reliance was shown in *Beal*, where the victim went outside to wait after being assured that police protection was forthcoming, and was then shot by the estranged husband who had prompted the 911 call. 134 Wn.2d at 786.

The Riders assert that Tommy went back to work on Monday after talking to Rhodes, confident that the County would find his wife. Tommy also continued to drive Tanya's route to and from work, however, in addition to posting flyers and calling her cell phone. The Riders do not describe any additional action Tommy would have taken but for Rhodes's statement, and they do not show that any such action by Tommy would have made any difference in the investigation. Tommy admitted in his deposition that the County never prevented him from doing anything to find Tanya and that Rhodes told him "the more help, the better." CP at 61. When asked in his deposition what else he could have done in searching for Tanya, he stated that he could have hired a private investigator and added, "But as far as what I could have done differently, I don't know." CP at 61. There is no evidence that Tommy could have obtained the cell phone records on his own without law enforcement involvement. Consequently, the Riders can show neither the detrimental reliance nor the specific assurance that the special relationship exception requires.

B. RESCUE EXCEPTION

The Riders argue in addition that the County assumed a duty to find Tanya under the rescue exception to the public duty doctrine. This exception applies if a governmental entity (1) undertakes a duty to aid a person in danger, (2) fails to exercise reasonable care, and (3) the offer to render aid is relied on by either the person to whom the aid is to be rendered or by another who, as a result of the promise, refrains from acting on the victim's behalf. *Johnson*, 164 Wn. App. at 750. "Integral to this exception is that the rescuer, including a state agent, *gratuitously* assumes the duty to warn the endangered parties of the danger and breaches this duty by failing to warn them." *Babcock v. Mason County Fire Dist. No. 6*, 101 Wn. App. 677, 685, 5 P.3d 750 (2000), *aff'd on other grounds*, 144 Wn.2d 774 (2001).

In *Babcock*, the rescue exception did not apply because the firefighting district did not gratuitously choose to fight a house fire. 101 Wn. App. at 686. Rather, the district was established for the very purpose of fighting fires and protecting the property of all citizens. *Babcock*, 101 Wn. App. at 686. In *Johnson*, the exception did not apply when the Washington State Patrol told a concerned citizen it would notify troopers about his report of an erratic driver. 164 Wn. App. at 751. The State's action was a general promise to render aid made as part of the State's duty to all citizens and not a gratuitous offer to aid a specific citizen. *Johnson*, 164 Wn. App. at 751.

The County asserts that a missing person investigation is a core police function and that it did not gratuitously assume a duty to rescue Tanya. The Riders respond that if the County did not assume a duty based on express assurances under the special relationship exception, it gratuitously assumed the duty to search for Tanya, and the rescue doctrine applies. As we recognized in *Babcock*, this reasoning allows the rescue exception to swallow up the public duty doctrine, and we reject it. 101 Wn. App. at 686. Rhodes's performance of a public duty to investigate missing persons was not a legal duty to find Tanya.

Moreover, there again is no evidence that Tommy refrained from acting on Tanya's behalf as a result of the County's action. Even though he returned to work, he kept searching on his own. Consequently, the rescue exception fails for this reason as well. *See Osborn*, 157 Wn.2d at 25 (reliance is the linchpin of the rescue exception).

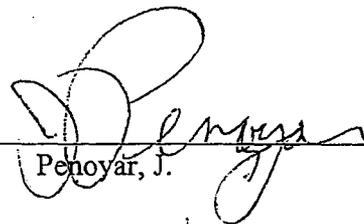
Finally, the Riders argue that there are issues of fact that cannot be resolved on summary judgment, and they point to a declaration from a former police officer who concludes that the County's investigative efforts showed a breach of the standard of care. Having found no duty,

43363-0-II

we need not explore the issue of breach, and we affirm the trial court's summary dismissal of the Riders' complaint.

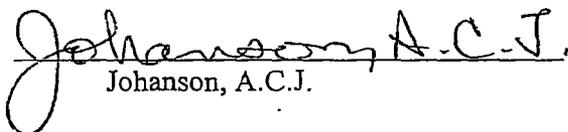
Affirmed.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

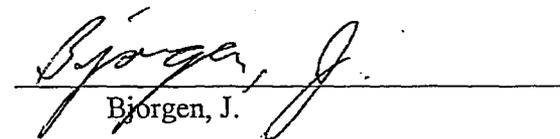


Penoyar, J.

We concur:



Johanson, A.C.J.



Bjorgen, J.

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

TANYA and TOMMY RIDER,  
wife and husband and the marital  
community composed thereof,

Appellants,

v.

KING COUNTY in its capacity as  
the KING COUNTY SHERIFF'S  
DEPARTMENT,

Respondent.

No. 43363-0-II

ORDER DENYING MOTION TO PUBLISH

RESPONDENT moves for publication of the Court's September 17, 2013 opinion.

Upon consideration, the Court denies the motion. Accordingly, it is

SO ORDERED.

PANEL: Jj. Johanson, Penoyar , Bjorgen

DATED this 3<sup>rd</sup> day of December, 2013.

FOR THE COURT:

*Johanson A.C.J.*  
ACTING CHIEF JUDGE

FILED  
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DIVISION II  
2013 DEC -3 PM 12:35  
STATE OF WASHINGTON  
BY  
DEPUTY

cc:

Paul Arthur Spencer  
Boyd Scott Wiley  
Jessica Hardung Kozma  
Endel R. Kolde