

No. 90166-0

SUPREME COURT OF THE STATE OF WASHINGTON

WASHINGTON MOTORSPORTS LIMITED PARTNERSHIP, a/k/a
Washington Motorsports, Ltd., by and through Barry W. Davidson ^{in his}
capacity as Receiver and as Acting Managing General Partner,

Plaintiff/Respondent,

v.

SPOKANE RACEWAY PARK, INC., a Washington for profit corporation and
General Partner of Washington Motorsports Limited Partnership,

Defendant, and

**SUSAN ROSS, TERRY and BRYAN GRAHAM,
and THE MEADOWS AT DRY CREEK, LLC,**

Appellants.

Court of Appeals Division III Case No. 31416-2
Superior Court Cause No. 03-2-06856-4

**SECOND DECLARATION OF AARON D. GOFORTH
IN SUPPORT OF MOTION FOR SANCTIONS**

DAVIDSON BACKMAN MEDEIROS PLLC
AARON D. GOFORTH, WSBA No. 28366
Attorneys for Respondent Washington Motorsports Limited Partnership
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Spokane, WA 99201
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Telephone: (509) 624-4600 / Facsimile: (509) 623-1660

ORIGINAL

Received
Washington State Supreme Court
E AUG 20 2014
Ronald R. Carpenter
Clerk

I, Aaron D. Goforth, declare:

1. I am one of the attorneys for Barry W. Davidson in his capacity as the Receiver and acting managing general partner for Washington Motorsports Limited Partnership ("WML") in the above-captioned cause and all other proceedings in which the Receiver or WML is/are parties or parties in interest.

2. I am competent to testify to the following facts based upon my personal knowledge, information, and belief.

3. Attached hereto as **Exhibit 1** is a true and correct copy of an illustrative exhibit of the legal proceedings in which WML and/or the Receiver have participated as a party, as an interested party, or otherwise monitored. Because of the volume of legal proceedings referenced therein, and in order to fit all of them onto a one page exhibit, the print size is quite small.

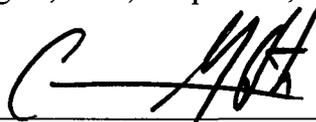
4. Attached hereto as **Exhibit 2** is a true and correct copy of the cover page of the **Order Granting** WML's Motion for a Cease and Desist Order Re: Deonne Moe and Susan Ross's Interference with this Court's Exclusive Jurisdiction and Interference with the Administration of the Receivership Estate, Etc., in Violation of RCW 7.60, *et seq.* by Attempting to Assert WML's Cause of Action as WML Unit Holders in a Separate, Lincoln County Suit, entered on August 18, 2009, in Spokane County Superior Court Cause No. 03-2-06856-4 ("WML's Receivership case"). To avoid cluttering the file, a complete copy of the

foregoing Order is not attached.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the cover page of the Order Granting WML's Motion for a Cease and Desist Order Against Terry Graham, and for a Cease and Desist Order against the Alleged Moe Family Partnership, and for a Second Cease and Desist Order Against Susan Ross, and for a Fourth Cease and Desist Order Against Deonne Moe, and for a Fourth Cease and Desist Order Against Orville Moe, entered on December 22, 2011 in WML's Receivership case. To avoid cluttering the file, a complete copy of the foregoing Order is not attached.

I hereby certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my information and knowledge.

Signed this 18th day of August, 2014, at Spokane, Washington.



Aaron D. Goforth, WSBA No. 28366
Attorneys for Plaintiff/Respondent
WML, and its Receiver

DECLARATION OF SERVICE

I hereby declare and certify under penalty of perjury under the laws of the State of Washington that on the date I signed this Declaration I caused a true and correct copy of the foregoing document to be served upon the following in the manner(s) indicated below.

Signed this 18th day of August, 2014, at Spokane, Washington.


Tara J. Nichols

Richard D. Wall
Attorney at Law
505 W. Riverside Avenue, Suite 400
Spokane, WA 99201
Via U.S. Mail, postage prepaid

Honorable Robert D. Austin

COPY
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AUG 18 2009

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

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

Case No. 03-2-06856-4

WASHINGTON MOTORSPORTS
LIMITED PARTNERSHIP, a/k/a
Washington Motorsports, Ltd., by and
through Barry W. Davidson, in his capacity
as Receiver and as Acting Managing General
Partner,

Plaintiff,

v.

SPOKANE RACEWAY PARK, INC., a
Washington for profit corporation and
General Partner of Washington Motorsports
Limited Partnership,

Defendant.

**ORDER GRANTING WML'S
MOTION FOR A CEASE AND
DESIST ORDER RE: DEONNE
MOE AND SUSAN ROSS'S
INTERFERENCE WITH THIS
COURT'S EXCLUSIVE
JURISDICTION AND
INTERFERENCE WITH THE
ADMINISTRATION OF THE
RECEIVERSHIP ESTATE, ETC., IN
VIOLATION OF RCW 7.60, et seq.
BY ATTEMPTING TO ASSERT
WML'S CAUSE OF ACTION AS
WML UNIT HOLDERS IN A
SEPARATE, LINCOLN COUNTY
SUIT**

THIS MATTER came before the Court on August 18, 2009 upon Washington
Motorsports Ltd.'s ("WML") MOTION FOR A CEASE AND DESIST ORDER RE:

ORDER GRANTING WML'S MOTION FOR A CEASE AND DESIST
ORDER RE: DEONNE MOE AND SUSAN ROSS - Page 1

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Honorable Annette S. Plese

FILED

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**THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK**

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

WASHINGTON MOTORSPORTS LIMITED
PARTNERSHIP, a/k/a Washington
Motorsports, Ltd., by and through Barry W.
Davidson, in his capacity as Receiver and as
Acting Managing General Partner,

Plaintiff,

2199

v.

SPOKANE RACEWAY PARK, INC., a
Washington for profit corporation and General
Partner of Washington Motorsports Limited
Partnership,

Defendant.

Case No. 03-2-06856-4

ORDER GRANTING WML'S MOTION
FOR A CEASE AND DESIST ORDER
AGAINST TERRY GRAHAM, AND FOR
A CEASE AND DESIST ORDER
AGAINST THE ALLEGED MOE
FAMILY PARTNERSHIP, AND FOR A
SECOND CEASE AND DESIST ORDER
AGAINST SUSAN ROSS, AND FOR A
FOURTH CEASE AND DESIST ORDER
AGAINST DEONNE MOE, AND FOR A
FOURTH CEASE AND DESIST ORDER
AGAINST ORVILLE MOE

THIS MATTER came before the Court on the 22nd day of December, 2011, upon
Washington Motorsports Limited Partnership's ("WML") "Motion for a Cease and Desist
Order against Terry Graham, and for a Cease and Desist Order against the Alleged Moe
Family Partnership, and for a Second Cease and Desist Order against Susan Ross, and for a
Fourth Cease and Desist Order against Deonne Moe, and for a Fourth Cease and Desist Order