

Judge calls Mehring case 'dysfunctional'



Spokane County Superior Court Judge Kathleen O'Connor had choice words Thursday for attorneys on both sides of the Jay Mehring civil case.

The wrongful termination and defamation lawsuit filed by the Spokane police detective against the city of Spokane and police Chief Anne Kirkpatrick is set to go to a jury trial Oct. 17, and O'Connor says she's lost her patience with the problems that keep arising.

She ordered attorneys Bob Dunn and Ellen O'Hara to appear before her this afternoon "no matter what" with an agreed upon statement in the case and a list of issues that are in dispute and issues that aren't.

She threatened to hold the lawyers in contempt if they weren't able to do so "because I am sick of this."

The judge also warned that she would have no time to look at motions for reconsideration, "so assume that they're all going to be denied."

At one point, Dunn stood up, but only for a moment. "Counsel, I'm not done. Sit down," O'Connor said.

The judge also picked up a report she said had been submitted that morning in violation of a previous order.

"See this? The one I got today? In the waste basket!" she said, holding up the waste basket and tossing the report inside. "Do you understand how dysfunctional this trial is?"

"Do you understand I never have these types of problems in any other cases?" she continued. "I've just lost my patience with all of you."

O'Connor's criticism came at the end of a hearing in which she ordered the City of Spokane to produce emails regarding its contract with a police department psychologist who's part of a **witness tampering allegation by Mehring against Kirkpatrick and city attorneys**.

They contend the city didn't renew Deannette Palmer's contract because she had ruled he was fit to return to duty. Ellen O'Hara, an assistant attorney for the City of Spokane, blasted the witness tampering claim in court Thursday, calling it baseless and "literally defaming."

O'Hara said the city has always planned to renew Palmer's contract. City Attorney Rocky Treppiedi "is a very busy man," O'Hara said. "This is a minor \$10,000 to \$15,000 contract. It was not on top of his list and he didn't get to it. And he even apologized to Dr. Palmer.

O'Hara continued, "What this really is is an attempt by the plaintiff to smear Chief Kirkpatrick and the city" and to use the media to taint the jury pool by building on "all the smearing" from the Otto Zehm-Karl Thompson case.

She called the allegations "an absurd sideshow - one of many that are going to be attempted to be presented in this case."

"Dr. Palmer is not saying that the city obstructed her. She fell between a rock and a hard place," O'Hara said. "It's clear to Dr. Palmer and the city that the chief wants the contract renewed."

O'Hara also said, "This is beyond unbelievable to me that this is happening," prompting O'Connor to say, "Well, I gather that. Why don't you sit down now."

Dunn emphasized that when asked in deposition if she felt her work with Mehring had adversely affected her contract with the city, Palmer responded, "definitely." But Palmer also said she didn't feel Kirkpatrick did anything unfair regarding her testifying in the criminal trial and that she didn't have "beef" with the chief.

"I said clearly that the issue was with the City Attorney's office," Palmer said. (**Read the entire transcript of Palmer's deposition here.**)

O'Connor said the issue could be discussed during the civil trial, and emails outlining the issue could be entered as evidence. She denied Dunn's request for Palmer's emails but ordered the City to hand over the copies.

"The issue of its relevancy goes to whether or not there's any bias on the part of Dr. Palmer or any attempt to have Dr. Palmer change her position or testify differently at trial," O'Connor said. "If such an email exists - and I'm not suggesting that it does - that would certainly be relevant."

Mehring, 43, **has been on paid leave since Sept. 9, 2010**, after Kirkpatrick said he was unfit for duty based on claims he'd made in his lawsuit.

Mehring filed the lawsuit after a jury acquitted him of charges that he'd threatened to kill his wife. Kirkpatrick had put him on unpaid leave but reinstated him with back pay and a demotion.