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R. Bruce Johnston WSBA No. 4646 The Honorable Rosanna M. Peterson  
Nathan Arnold WSBA No. 45356  
Cloutier Arnold Jacobowitz PLLC  
2701 First Avenue, Suite 200  
Seattle, WA 98121  
(206) 866-3230; Fax: (206) 866-3234

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

PAUL GRONDAL, et al.,  
  
Plaintiffs,  
  
v.  
  
UNITED STATES OF  
AMERICA; et al.,  
  
Defendants.

**Case No. 2:09-cv-0018-RMP**

**DECLARATION OF NATHAN  
J. ARNOLD IN SUPPORT OF  
MOTION TO EXTEND  
DEADLINE RE: ECF NO. 411**

Pursuant to 28 U.S.C. § 1746, I, Nathan J. Arnold, state and declare  
under penalty of perjury as follows:

1. I am an attorney for plaintiff in this matter and I make this declaration  
based upon my personal knowledge.
2. I am a partner in the firm of Cloutier Arnold Jacobowitz, PLLC (the  
“Firm”);

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3. Beginning March 16, 2020, due to COVID-19, the Firm required all staff to work from home. Attorneys likewise were directed to work from home to the extent possible;

4. On March 25, 2020, Governor Jay Inslee issued a “Stay Home -- Stay Healthy Order” “prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind...and all non-essential business in Washington State from conducting business...” attached as Exhibit “A” to the Declaration of Tyler Hotchkiss.

5. The Firm’s limitations on staff and attorneys and the Stay Home – Stay Healthy Order have made operations at the Firm much more time consuming and difficult. Briefing, client communication and generally, the practice of law, is much more difficult working from home and working without staff present. Staff is unavailable to organize, summarize and obtain relevant documents. Additionally,

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organizing, drafting and reviewing materials from home is inefficient and time-consuming.

6. I agree with Mr. Hotchkiss' assessment of the difficulties in responding to the Court's current briefing schedule.

7. In addition to the points raised by Mr. Hotchkiss, Mr. Johnston, the lead on this case from my firm, like Mr. Foreman, is now semi-retired (this case has, after all, seen prominent attorneys pass away, and others join the bench).

8. Mr. Johnston, at age seventy-two (72) is also in a particularly at-risk demographic, in addition to his long history of respiratory issues.

9. Lastly, one of my small firm's largest clients (and Mr. Johnston's close friends) passed away on March 28, 2020, leaving significant, unexpected and emergent work to be done.

10. Setting aside difficulties unique, or somewhat unique, to my firm, there is a significant amount of caselaw to be reviewed, on multiple issues, from the last many years since Judge Quackenbush's order at

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ECF 329, the breadth of which is indicated by its thirty-three (33) page length.

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

EXECUTED under penalty of perjury at Seattle, WA this 1st day of April 2020.

                  /s/ Nathan J. Arnold                    
Nathan J. Arnold

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**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, I caused the foregoing document, to be electronically filed with the Clerk of the above entitled Court using the CM/ECF system, which will send notification of such filing to the following:

- Franklin L. Smith: [frank@flyonsmith.com](mailto:frank@flyonsmith.com)
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and hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

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DATED this 1st day of April, 2020.

/s/ Tyler D. Hotchkiss  
Tyler D. Hotchkiss

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