

1 Sally W. Harmeling, WSBA No. 49457
JEFFERS, DANIELSON, SONN & AYLWARD, P.S.
2 2600 Chester Kimm Road
P.O. Box 1688
3 Wenatchee, WA 98807-1688
Email: SallyH@jdsalaw.com
4 (509) 662-3685 / (509) 662-2452

5
6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON

8 PAUL GRONDAL, A WASHINGTON
RESIDENT; AND THE MILL BAY
MEMBERS ASSOCIATION, INC., A
9 WASHINGTON NON-PROFIT
CORPORATION,

10 Plaintiffs,

11 vs.

12 UNITED STATES OF AMERICA;
13 UNITED STATES DEPARTMENT OF
THE INTERIOR; THE BUREAU OF
14 INDIAN AFFAIRS, AND FRANCIS
ABRAHAM, CATHERINE GARRISON,
15 MAUREEN MARCELLAY, MIKE
PALMER, JAMES ABRAHAM, NAOMI
16 DICK, ANNIE WAPATO, ENID
MARCHAND, GARY REYES, PAUL
17 WAPATO, JR., LYNN BENSON,
DARLENE HYLAND, RANDY
18 MARCELLAY, FRANCIS REYES,
LYDIA W. ARMEECHER, MARY JO
19 GARRISON, MARLENE MARCELLAY,
LUCINDA O'DELL, MOSE SAM,
20 SHERMAN T. WAPATO, SANDRA

NO. 09-CV-00018-RMP

DECLARATION OF SALLY W.
HARMEILING IN SUPPORT OF JOINT
MOTION TO EXTEND DEADLINE RE:
ECF NO. 411

DECLARATION OF SALLY W. HARMEILING IN
SUPPORT OF MOTION TO EXTEND - Page 1 of 9
48G1053-Declaration of SWH ISO Motion to
Extend Deadline

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.
Attorneys at Law
(509) 662-3685 / FAX (509) 662-2452
2600 Chester Kimm Road / P.O. Box 1688
Wenatchee, WA 98807-1688

1 COVINGTON, GABRIEL
2 MARCELLAY, LINDA MILLS, LINDA
3 SAINT, JEFF M. CONDON, DENA
4 JACKSON, MIKE MARCELLAY,
5 VIVIAN PIERRE, SONIA
6 VANWOERKOM, WAPATO
7 HERITAGE, LLC, LEONARD
8 WAPATO, JR, DERRICK D. ZUNIE, II,
9 DEBORAH L. BACKWELL, JUDY
10 ZUNIE, JACQUELINE WHITE PLUME,
11 DENISE N. ZUNIE AND
12 CONFEDERATED TRIBES OF THE
13 COLVILLE RESERVATION,
14 ALLOTTEES OF MA-8 (KNOWN AS
15 MOSES ALLOTMENT 8)

16 Defendants.

17 SALLY W. HARMELING, pursuant to 28 U.S.C. § 1746 , states and declares:

18 1. I make this declaration based upon personal knowledge, and if called upon
19 to do so, could and would testify competently as a witness to the matters stated herein.

20 2. I am a partner at Jeffers, Danielson, Sonn & Aylward, P.S. (“JDSA”) and
counsel of record for Plaintiffs Paul Grondal and the Mill Bay Members Association, Inc.
 (“Plaintiffs”), in this action.

Although this case has been pending since 2009, the present attorneys for
Plaintiffs (myself, Bob Siderius, and associate attorney Joseph Ridgeway) have only been
counsel of record since 2019. Upon former Plaintiffs’ counsel Brian Huber’s elevation to
Washington State Superior Court Judge, I entered a Notice of Appearance in this case on

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1 March 28, 2019 (ECF 384), and Bob Siderius and Joseph Ridgeway entered Notices of
2 Appearance on October 17, 2019 (ECF 376-377). We were not involved in the case at all
3 prior to this time, including during the 2012 briefing related to Federal Defendants’
4 Motion for Summary Judgment Re Ejectment. We are still getting up to speed in this
5 complex action that has a more than 11-year history in this active litigation, and many
6 years of related proceedings before that. We also have on-going duties to other JDSA
7 clients.

8 4. Complicating matters, due to the COVID-19 pandemic, and Governor
9 Inslee’s related orders, many Washington law firms are presently closed, including
10 JDSA. Our staff and attorneys are working remotely except in the rare circumstance
11 where it is essential for an attorney or staff member to be present in the office for
12 business operations. Unfortunately, due to the age of this litigation, many of JDSA’s
13 files and documents exist in hard copy only and require attorney presence in the office to
14 review.

15 5. Due to the pandemic and the orders of Washington’s Governor, as well as
16 the vulnerable state of the members of the Mill Bay Members Association (many of
17 whom are age 60 and above), Plaintiffs’ counsel are unable to meet in person with their
18 clients at this time, which may be critical to assist with clarifying the facts and
19 interpreting the documents.

20 6. In addition, due to school closures ordered by Governor Inslee, I now have

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1 greater childcare responsibilities for my children while still working from home, further
2 complicating my abilities to get up to speed and brief complex and substantive legal
3 issues in the short window of time ordered. I have attempted to transfer some of the work
4 responsibilities to two associate attorneys at JDSA, but both are relatively junior
5 attorneys and neither has much history with this case at all – Joseph Ridgeway (admitted
6 to the Washington Bar in 2018) entered an appearance in late October 2019 (ECF 377),
7 and Jacob Knutson (admitted to the Washington Bar in 2019) was just introduced to this
8 case last week.

9 7. Based on all of the above, it is Plaintiffs’ counsel’s position that satisfying
10 the Court’s order of submitting further briefing on the pending Motions for Summary
11 Judgment from 2012 by April 9, 2020, will be very difficult. The requested continuance
12 would greatly assist Plaintiffs’ counsel’s abilities to review and respond to the Court’s
13 most recent Order.

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

16 DATED this 1st day of April, 2020.

17
18 By s/SALLY W. HARMELING

Sally W. Harmeling, WSBA No. 49457

19 JEFFERS, DANIELSON, SONN & AYLWARD, P.S.

20 2600 Chester Kimm Road

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Wenatchee, WA 98807-1688

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Wenatchee, WA 98807-1688
Telephone: 509-662-3685
Fax: 509-662-2452
Email: SallyH@jdsalaw.com

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Wenatchee, WA 98807-1688

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
- R. Bruce Johnston: bruce@rbrucejohnston.com
- Dana Cleveland: dana.cleveland@colvilletribes.com
- Dale M. Foreman: dale@fhbzlaw.com
- Matthew A. Mensik: mam@wittherspoonkelley.com
- Brian Gruber: brgruger@ziontchestnut.com
- Brian W. Chestnut: bchestnut@ziontchestnut.com
- Sally W. Harmeling: sallyh@jdsalaw.com
- Nathan J. Arnold: nathan@cajlawyers.com
- Robert R. Siderius: bobs@sdsalaw.com
- Joseph Q. Ridgeway: josephr@jdsalaw.com
- Joseph P. Derrig: USAWAE-JDerrigECF@usdoj.gov

and hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

- | | | |
|--------------------|--------------------|----------------------|
| Enid T. Wippel | Michael Palmer | Gary & Francis Reyes |
| P.O. Box 101 | P.O. Box 466 | PO BOX 296 |
| Nespelem, WA 99155 | Nespelem, WA 99155 | Newman Lake, WA |
| | | 99025 |

1 Linda Saint Mary Jo Garrison Francis Abraham
2 P.O. Box 3614 P.O. Box 1922 11103 E. Empire Ave.
3 Omak, WA 98841 Seattle, WA 98111 Spokane Valley, WA
4 99206

5 Paul G. Wapato, Jr. Catherine L. Garrison Judy Zunie
6 2312 Forest Estates Drive 3434 S. 144th St., Apt. P.O. Box 3341
7 Spokane, WA 99223 124 Omak, WA 98841
8 Tukwila, WA 98168

9 Deborah A. Backwell Sandra Covington Francis Reyes
10 24375 SE Keegan Rd. P.O. Box 1152 P.O. Box 215
11 Eagle Creek, OR 97022 Omak, WA 98841 Elmer City, WA 99124-
12 0215

13 Annie Wapato Jeffrey M. Condon Vivian Pierre
14 1800 Jones Rd. P.O. Box 3561 P.O. Box 294
15 Wapato, WA 98951-9413 Omak, WA 98841-3561 Elmer City, WA 99124-
16 0294

17 Soni W (Wapato) Arthur Dick Hannah Rae Dick
18 Vanwoerkom P.O. Box 288 P.O. Box 198
19 810 19th St. Nespelem, WA 99144- Nespelem, WA 99155-
20 Lewiston, ID 83501-3172 0288 0198

Marlene Marcellay Kathleen M. Dick Dwane Dick
P.O. Box 463
Vancouver, WA 98683- Nespelem, WA 99155- Nespelem, WA 99155-

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Attorneys at Law
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2600 Chester Kimm Road / P.O. Box 1688
Wenatchee, WA 98807-1688

1	5290	0288	0463
2			
3	Lynn K. Benson	Stephen T. Wapato	Lydia A. Arneecheer
4	P.O. Box 746	246 N. Franklin Ave.	P.O. Box 475
5	Omak, WA 98841-0746	Wenatchee, WA 98801-2156	Wapato, WA 98951-0475
6			
7	James Abraham	Randy Marcellay	Gabe Marcellay
8	2727 Virginia Ave.	P.O. Box 3287	P.O. Box 76
9	Everett, WA 98201-3743	Omak, WA 98841-3287	Wellpinit, WA 99040-0076
10			
11	Travis E. Dick & Hannah Dick	Maureen M. Marcellay	Jacqueline L. Wapato
12	Guardian of Travis E. Dick	501 SE 123rd Ave., Apt. U150	P.O. Box 611
13	P.O. Box 198	Vancouver, WA 98683-4008	Lapwai, ID 83540-0611
14	Nespelem, WA 99155		
15			
16	Leonard M. Wapato	Darlene Marcellay-Hyland	Mike Marcellay
17	P.O. Box 442	16713 SE Fisher Dr.	P.O. Box 594
18	White Swan, WA 98952-0442	Vancouver, WA 98683	Brewster, WA 98812-0594
19			
20	Enid T. (Pierre) Marchand		
	P.O. Box 101		
	Nespelem, WA 99155-0101		

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2
3
4
5
6
7
8
9
10
11
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DATED this 1st day of April, 2020.

/s/ Tyler D. Hotchkiss
Tyler D. Hotchkiss, WSBA #40604