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Hon. Rosanna Malouf Peterson

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12 Wenatchee, WA 98807
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14 dale@fhbzlaw.com
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12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF WASHINGTON**

14 PAUL GRONDAL, a Washington
15 resident and THE MILL BAY
16 MEMBERS ASSOCIATION, INC.,
17 a Washington Non-Profit
18 Corporation,

18 Plaintiffs,

19 v.

19 UNITED STATES OF AMERICA;
20 UNITED STATES DEPARTMENT
21 OF THE INTERIOR; THE
22 BUREAU OF INDIAN AFFAIRS,
23 and FRANCIS ABRAHAM,
24 CATHERINE GARRISON,
25 MAUREEN MARCELLAY, MIKE
PALMER, JAMES ABRAHAM,
NAOMI DICK, ANNIE WAPATO,
ENID MARCHAND, GARY
REYES, PAUL WAPATO, JR.,
LYNN BENSON, DARLENE
HYLAND, RANDY MARCELLAY,

CASE NO. CV-09-0018-RMP

**DECLARATION OF NATHAN J.
ARNOLD IN SUPPORT OF
WAPATO HERITAGE, LLC'S
RESPONSE TO MOTION TO
CLARIFY (ECF No. 490) AND
MOTION FOR CONTEMPT**

DECLARATION OF NATHAN J. ARNOLD IN
SUPPORT OF WAPATO HERITAGE, LLC'S
RESPONSE TO MOTION TO CLARIFY
(ECF No. 490) AND MOTION FOR CONTEMPT - 1

CLOUTIER ARNOLD JACOBOWITZ, PLLC
2701 FIRST AVENUE, SUITE 200
SEATTLE, WA 98121
113 EAST WOODIN AVENUE, SUITE 200
CHELAN, WA 98816
(206) 866-3230 FAX: (206) 866-3234

1 FRANCIS REYES, LYDIA W.)
 2 ARMEECHER, MARY JO)
 3 GARRISON, MARLENE)
 4 MARCELLAY, LUCINDA)
 5 O'DELL, MOSE SAM, SHERMAN)
 6 T. WAPATO, SANDRA)
 7 COVINGTON, GABRIEL)
 8 MARCELLAY, LINDA MILLS,)
 9 LINDA SAINT, JEFF M. CONDON,)
 10 DENA JACKSON, MIKE)
 11 MARCELLAY, VIVIAN PIERRE,)
 12 SOMA VANWOERKON,)
 WAPATO HERITAGE, LLC,)
 LEONARD WAPATO, JR,)
 DERRICK D. ZUNIE, II,)
 DEBORAH L. BACKWELL, JUDY)
 ZUNIE, JAQUELINE WHITE)
 PLUME, DENISE N. ZUNIE and)
 CONFEDERATED TRIBES OF)
 THE COLVILLE RESERVATION,)
 Allottees of MA-8 (known as Moses)
 Allotment 8),)
 Defendants.)

13 Nathan J. Arnold declares as follows:

14 1. I am an adult citizen of the State of Washington, am competent to testify
 15 and hereby testify of my personal knowledge unless otherwise indicated. I am
 16 counsel for Defendant Wapato Heritage, LLC in the above-captioned matter.

17 2. Attached as Exhibit A is a true and correct copy of email correspondence
 18 regarding Request to Confer.

19 I declare under penalty of perjury of the laws of the State of Washington
 20 that the statements contained herein are true and accurate to the best of my
 21 knowledge and belief.

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Executed this 24th day of June 2020 in Seattle, Washington.

/s/ Nathan J. Arnold
Nathan J. Arnold, WSBA No. 45356
Cloutier Arnold Jacobowitz, PLLC
2701 First Avenue, Suite 200
Seattle, WA 98121
206-866-3230
Fax: 206-866-3234
Nathan@CAJlawyers.com

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 all registered recipients of that system as of the date hereof.

Notice of this filing will be sent to the parties listed below by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Franklin L. Smith Frank@Flyonsmith.com	Joseph Q. Ridgeway josephr@jdsalaw.com
Robert R. Siderius Bobs@jdsalaw.com	Sally W. Harmeling sallyh@jdsalaw.com
Timothy W. Woolsey	Pamela J. DeRusha
Nathan J. Arnold nathan@cajlawyers.com	Tyler Hotchkiss tyler@fhbzlaw.com
R Bruce Johnston bruce@rbrucejohnston.com	Dale M. Foreman dale@fhbzlaw.com
Emanuel Jacobowitz manny@cajlawyers.com	Brian Gruber bgruber@ziontchestnut.com
Brian W. Chestnut bchestnut@ziontchestnut.com	Dana Cleveland Dana.cleveland@colvilletribes.com
Joseph P. Derrig Joseph.Derrig@usdoj.gov	Manish Borde mborde@bordelaw.com

Notice of this filing is being sent this date via United States Postal Service First Class Mail to the parties below at the addresses indicated below.

DECLARATION OF NATHAN J. ARNOLD IN
SUPPORT OF WAPATO HERITAGE, LLC'S
RESPONSE TO MOTION TO CLARIFY
(ECF No. 490) AND MOTION FOR CONTEMPT - 4

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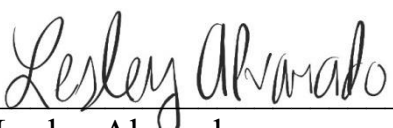
1	Francis Abraham 11103 E. Empire Avenue Spokane Valley, WA 99206	Catherine Garrison 3434 S 144th St Apt 124 Tukwila, WA 98168-4061
2		
3	Maureen M. Marcellay 7910 NE 61st Cir Vancouver, WA 98662	Mike Palmer P.O. Box 466 Nespelem, WA 99155
4		
5	James Abraham 2727 Virginia Avenue Everett, WA 98201	Annie Wapato 1800 Jones Rd Wapato, WA 98951
6		
7	Enid T (Pierre) Marchand P.O. Box 101 Nespelem, WA 99155-0101	Francis Reyes P.O. Box 215 Elmer City, WA 99124-0215
8		
9	Lydia A. Armeecher P.O. Box 45 Wapato, WA 98951-0475	Paul G. Wapato, Jr. 2312 Forest Estates Drive Spokane, WA 99223
10		
11	Darlene Marcellay-Hyland 16713 SE Fisher Drive Vancouver, WA 98683	Randy Marcellay P.O. Box 3287 Omak, WA 98841
12		
13	Mary Jo Garrison P.O. Box 1922 Seattle, WA 98111	Lynn K. Benson P.O. Box 746 Omak, WA 98841
14		
15	Marlene Marcellay 1300 SE 116th Ct. Vancouver, WA 98683-5290	Sandra Covington P.O. Box 1152 Omak, WA 98841
16		
17	Gabriel Marcellay P.O. Box 76 Wellpinit, WA 99040	Linda Saint P.O. Box 3614 Omak, WA 98841-3614
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DECLARATION OF NATHAN J. ARNOLD IN
SUPPORT OF WAPATO HERITAGE, LLC'S
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(ECF No. 490) AND MOTION FOR CONTEMPT - 5

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1	Jeffrey M. Condon P.O. Box 3561 Omak, WA 98841	Mike Marcellay P.O. Box 594 Brewster, WA 98812
2		
3	Vivian Pierre PO Box 294 Elmer City, WA 99124-0294	Sonia Vanwoerkom 810 19th St Lewiston, ID 83501-3172
4		
5	Leonard Wapato P.O. Box 442 White Swan, WA 98952-0442	Deborah A. Backwell 24375 SE Keegan Rd Eagle Creek, OR 97022
6		
7	Judy Zunie P.O. Box 3341 Omak, WA 98841-3341	Kathleen & Arthur Dick P.O. Box 288 Nespelem, WA 99155-0288
8		
9	Pamela Jean DeRusha US Attorney's Office - SPO P.O. Box 1494 Spokane, WA 99210-1494	Travis E Dick and Hannah Dick Guardian of Travis E Dick PO Box 198 Nespelem, WA 99155
10		
11	Jacqueline L Wapato PO Box 611 Lapwai, ID 83540-0611	Stephen Wapato 246 N. Franklin Wenatchee, WA 98801
12		
13	Dwane Dick PO Box 463 Nespelem, WA 99155-0463	Timothy Ward Woolsey Colville Tribes Office of Reservation Attorney PO Box 150 Nespelem, WA 99155
14		
15		
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21 **DATED** this 24th day of June 2020.

22
23
24 
25 Lesley Alvarado

DECLARATION OF NATHAN J. ARNOLD IN
SUPPORT OF WAPATO HERITAGE, LLC'S
RESPONSE TO MOTION TO CLARIFY
(ECF No. 490) AND MOTION FOR CONTEMPT - 6

CLOUTIER ARNOLD JACOBOWITZ, PLLC
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EXHIBIT A

Lesley Alvarado

From: Nathan J. Arnold
Sent: Wednesday, June 24, 2020 11:50 AM
To: Lesley Alvarado
Subject: FW: Grondal, et al. v. United States of America, et al. - 2:09-CV-018-RMP - Request to Confer - 2003.0101*0003

Nathan J. Arnold
CLOUTIER ARNOLD JACOBOWITZ PLLC
Nathan@CAJlawyers.com
C: 206.799.4221

From: Derrig, Joseph (USAWAE) <Joseph.Derrig@usdoj.gov>
Sent: Thursday, June 11, 2020 11:07 AM
To: Nathan J. Arnold <nathan@cajlawyers.com>; Sally W. Harmeling <SallyH@JDSALaw.com>; Manish Borde <mborde@bordelaw.com>
Cc: Brian Chestnut <bchestnut@ziontzchestnut.com>
Subject: RE: Grondal, et al. v. United States of America, et al. - 2:09-CV-018-RMP - Request to Confer - 2003.0101*0003

We are going to pass on the call. If there is something we need to address, please let me know.

Best,
Joe Derrig, AUSA
509-353-2767

From: Nathan J. Arnold <nathan@cajlawyers.com>
Sent: Thursday, June 11, 2020 10:01 AM
To: Derrig, Joseph (USAWAE) <JDerrig@usa.doj.gov>; Sally W. Harmeling <SallyH@JDSALaw.com>; Manish Borde <mborde@bordelaw.com>
Cc: Brian Chestnut <bchestnut@ziontzchestnut.com>
Subject: RE: Grondal, et al. v. United States of America, et al. - 2:09-CV-018-RMP - Request to Confer - 2003.0101*0003

Joe, let's have the phone call at Noon - it shouldn't take more than five or ten minutes, probably less time than these email.

Nathan J. Arnold
CLOUTIER ARNOLD JACOBOWITZ PLLC
Nathan@CAJlawyers.com
C: 206.799.4221

From: Derrig, Joseph (USAWAE) <Joseph.Derrig@usdoj.gov>
Sent: Thursday, June 11, 2020 9:47 AM
To: Nathan J. Arnold <nathan@cajlawyers.com>; Sally W. Harmeling <SallyH@JDSALaw.com>; Manish Borde <mborde@bordelaw.com>

Cc: Brian Chestnut <bchestnut@ziontzchestnut.com>

Subject: RE: Grondal, et al. v. United States of America, et al. - 2:09-CV-018-RMP - Request to Confer - 2003.0101*0003

Nate,

I don't believe we have anything to discuss. If you feel otherwise, please let me know what it is so we don't waste our time.

Best,

Joe Derrig, AUSA
509-353-2767

From: Nathan J. Arnold <nathan@cajlawyers.com>

Sent: Thursday, June 11, 2020 9:38 AM

To: Derrig, Joseph (USAWAE) <JDerrig@usa.doj.gov>; Sally W. Harmeling <SallyH@JDSALaw.com>; Manish Borde <mborde@bordelaw.com>

Cc: Brian Chestnut <bchestnut@ziontzchestnut.com>

Subject: RE: Grondal, et al. v. United States of America, et al. - 2:09-CV-018-RMP - Request to Confer - 2003.0101*0003

Joe, let's go ahead and have our call at Noon. It shouldn't take long.

Nathan J. Arnold
CLOUTIER ARNOLD JACOBOWITZ PLLC
Nathan@CAJlawyers.com
C: 206.799.4221

From: Derrig, Joseph (USAWAE) <Joseph.Derrig@usdoj.gov>

Sent: Thursday, June 11, 2020 9:34 AM

To: Sally W. Harmeling <SallyH@JDSALaw.com>; Nathan J. Arnold <nathan@cajlawyers.com>; Manish Borde <mborde@bordelaw.com>

Cc: Brian Chestnut <bchestnut@ziontzchestnut.com>

Subject: RE: Grondal, et al. v. United States of America, et al. - 2:09-CV-018-RMP - Request to Confer - 2003.0101*0003

All,

Thank you for your patience as I looked into the circumstances of the February 23, 2016 order. I will assume our recent filing obviates the need for a conference call later today.

Best regards,

Joe



Joseph P. Derrig
Assistant United States Attorney
Eastern District of Washington
920 West Riverside | Suite 340
P.O. Box 1494 | Spokane WA 99201
Tel 509-353-2767 | Fax 509-835-6398

From: Sally W. Harmeling <SallyH@JDSALaw.com>

Sent: Monday, June 8, 2020 2:31 PM

To: 'Nathan J. Arnold' <nathan@cajlawyers.com>; Derrig, Joseph (USAWAE) <JDerrig@usa.doj.gov>; Manish Borde <mborde@bordelaw.com>

Cc: Brian Chestnut <bchestnut@ziontzchestnut.com>

Subject: RE: Grondal, et al. v. United States of America, et al. - 2:09-CV-018-RMP - Request to Confer - 2003.0101*0003

All,

Let's use this conference call line for Thursday's call at noon:

866-730-7514

Participant PIN: 840370#

Best,
Sally

Sally White Harmeling

Partner



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

2600 Chester Kimm Road

Wenatchee, Washington 98801

Telephone: 509.662.3685 | Facsimile: 509.662.2452 | Email: SallyH@JDSALaw.com | Web: www.JDSALaw.com

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From: Nathan J. Arnold [<mailto:nathan@cajlawyers.com>]

Sent: Monday, June 8, 2020 12:15 PM

To: 'Derrig, Joseph (USAWAE)' <Joseph.Derrig@usdoj.gov>; Manish Borde <mborde@bordelaw.com>

Cc: Sally W. Harmeling <SallyH@JDSALaw.com>; Brian Chestnut <bchestnut@ziontzchestnut.com>

Subject: RE: Grondal, et al. v. United States of America, et al. - 2:09-CV-018-RMP - Request to Confer

Joe, we maintain our position that there is no meet and confer requirement for this non-discovery issue, which instead addresses compliance with a prior Court order. We also maintain that this is time sensitive. We were unaware that this appraisal existed until you raised it with the Court at oral argument, which is why we did not raise it with you sooner - we assumed the government was not withholding documents, and was in compliance with the prior order. For the same reason, the Court would not ask about the appraisals, because it is fair for the Court also to assume the government's compliance with its orders. All this aside, I will confer with you again on Thursday at Noon. I do not see how your "stakeholders" could give you permission to not follow a Court order. But, given this gratuitous additional time, refusal to so comply will clearly be willful. Better still, take fifteen minutes, comply with the order, file the materials, and moot the entire issue.

Nathan J. Arnold
CLOUTIER ARNOLD JACOBOWITZ PLLC
Nathan@CAJlawyers.com
C: 206.799.4221

From: Derrig, Joseph (USAWAE) <Joseph.Derrig@usdoj.gov>

Sent: Friday, June 5, 2020 10:05 PM

To: Nathan J. Arnold <nathan@cajlawyers.com>; Manish Borde <mborde@bordelaw.com>

Cc: Sally W. Harmeling <SallyH@JDSALaw.com>; Brian Chestnut <bchestnut@ziontzchestnut.com>
Subject: RE: Grondal, et al. v. United States of America, et al. - 2:09-CV-018-RMP - Request to Confer

Mr. Arnold,

I respectfully disagree with your recital of your call to me. It was not in any way a good faith attempt to *resolve* this “issue” and if your intent is indeed to avoid rather than create additional motion practice, all I am asking is for you to give me your available either Thursday afternoon or Friday after I have had time to speak with stakeholders on my end.

I did not refuse to answer your question when you asked what would be different in a week’s time. I did explain to you that I needed time to speak to stakeholders on my side and look into circumstances of this order that is now four plus years old and handled by individuals that have long since retired. I simply asked that we confer in good faith after we have both had an opportunity to speak with our respective stakeholders, fully understand the history and interpretation at that time, and asked that you email me with your availability for the times I previously provided.

I also asked you why this is now “very time sensitive.” You stated that you believed seeing the appraisals was “material” to the pending motions and wanted to file additional motions before the court rules on the pending motions. We do not believe it is material and you did not explain or elaborate on why the appraisals were “material” to the pending motions or your planned additional motions. I stated that if the Court thought it was material in light of our recent oral argument, it would address it without the need for motion practice from us. We also did not raise the ‘appraisal’ issue because it is material but rather we were compelled to address it in order to correct inaccurate assumptions – statements made on the record by WHL. It is also unlikely in my view, but I guess not impossible, that the court would issue its order by the end of next week. In any event, WHL waited 4 years to raise this “issue” or act on its apparent assumptions despite the motion for ejection pending that entire time. It can certainly wait 4-5 business days to discuss this issue in good faith. That is hardly asking too much particularly when your proposed ‘contempt’ motion would need to be calendared 30 days out, and you have refused to request a telephonic conference with the court at its earliest availability in order to address this “issue” without motion practice.

It is unfortunate that you are unwilling to allow us the time to discuss this issue with the stakeholders on our end so we can have a good faith discussion at the end of next week. While we disagree with your allegations of contempt, particularly with the hindsight of the court’s subsequent orders, we may be willing to provide you the appraisals informally after we have had time to discuss this issue with the relevant stakeholders and am able to actually have a *constructive* conversation with you. Again, please let me know whether you are willing to discuss on Thursday afternoon or anytime on Friday.

Best regards,

Joe



Joseph P. Derrig
Assistant United States Attorney
Eastern District of Washington
920 West Riverside | Suite 340
P.O. Box 1494 | Spokane WA 99201
Tel 509-353-2767 | Fax 509-835-6398

From: Nathan J. Arnold <nathan@cajlawyers.com>

Sent: Thursday, June 4, 2020 3:57 PM

To: Derrig, Joseph (USAWAE) <JDerrig@usa.doj.gov>; Manish Borde <mborde@bordelaw.com>

Cc: Sally W. Harmeling <SallyH@JDSALaw.com>; Brian Chestnut <bchestnut@ziontzchestnut.com>

Subject: RE: Grondal, et al. v. United States of America, et al. - 2:09-CV-018-RMP - Request to Confer

Joe, thanks for taking 13 minutes to get on the phone with me today in my attempt to break up the letter writing campaign between you and Mr. Borde. I wish we could come to some resolution of this issue. As I indicated, this is very time sensitive to my clients and cannot wait another week or after the pending motion has been ruled upon. And you did not provide me with an answer when I asked you, several times, what would be different in a week's time. The documents you referenced in oral argument must be material or you would not have raised them and, regardless of that, they are squarely within Judge Quackenbush's order which required the filing of all documents, not just deeds, applying to any sales. I heard you when you pointed out that this order was entered long ago, but until your reference on Friday, we had assumed that the government was in compliance and these documents simply did not exist. Indeed, even the tribe's counsel sounded surprised. Since you had no explanation why this could not simply be filed, please do so and moot this issue; that is my strong preference over additional motions practice. If you think of something else, please call me anytime. You have my cell and don't worry if it is the weekend. Also, as I pointed out this afternoon, the Court's order is directed at the government, not the tribe, so feel free to call me regardless of anyone else's availability. I remain available to confer again, although this type of motion has no meet and confer requirement, but I have to assume that if the documents are not on file by 9am Monday, considering it would take less time to file than our phone call today, and much less all these email, then the parties need to start working on a motion.

Nathan J. Arnold
CLOUTIER ARNOLD JACOBOWITZ PLLC
Nathan@CAJlawyers.com
C: 206.799.4221

From: Derrig, Joseph (USAWAE) <Joseph.Derrig@usdoj.gov>
Sent: Thursday, June 4, 2020 2:07 PM
To: Manish Borde <mborde@bordelaw.com>
Cc: Sally W. Harmeling <SallyH@JDSALaw.com>; Nathan J. Arnold <nathan@cajlawyers.com>; Brian Chestnut <bchestnut@ziontzchestnut.com>
Subject: RE: Grondal, et al. v. United States of America, et al. - 2:09-CV-018-RMP - Request to Confer

Mr. Borde,

If your intent was to avoid additional motion practice and meet the goals of 28 U.S.C. § 1927, you would be amenable to waiting to address this issue until after the Court's order on the pending motions as we have suggested. We understand you more recently appeared in this case; however, you previously told me you were involved in prior litigation involving MA-8 and your relationship with WHL's counsel. It is that context and the timing of your collectively request on behalf of your client, WHL, and Mill Bay that gives us the impression that the present request is further collective gamesmanship / attempts at mudslinging that violates the spirit and intent of 28 U.S.C. § 1927.

Personally, I detest having to file motions for any kind of sanctions; however, we are required by Executive Order to file such motions in appropriate circumstances. See Executive Order 12988—Civil Justice Reform of 1996 (“Litigation counsel shall take steps to seek sanctions against opposing counsel and opposing parties where appropriate.” (emphasis added)). I have been advised that the collective motion practice as of late on your collective side appears appropriate for such a motion, and I apologize if you took that personally. Nonetheless, I have been able to forestall additional motion practice until after the Court decides the pending motions with the hope that the Court's order will provide the parties with some clarity on how we move forward without requiring such unpleasanties.

Please let me know as to whether you believe we need to address this immediately or whether this can wait until after the Court decides the pending motions. Given that there is no pending motion against your client, and there is no claim in this case regarding Mr. Reyes' sale, we are at a loss as to why you are so eager to file a baseless “contempt” motion. The court is aware of its own orders, applicable regulations, and what was provided at ECF 347, 347-1, 347-2, and 347-3 in response to its February 2016 Order. Notably, the Court did not request any additional documents or more specifically any appraisal following the government's production. Certainly, given the Court's active involvement in the discovery

process in this case, it would have requested the appraisal if that was a document it wanted or had ordered produced. If you nonetheless want to proceed with a conference prior to the Court's order on the pending motions, we would ask that all parties be present for the call. We can be available Thursday the 11th after 11:30 or anytime on Friday the 12th. Let us know.

Best regards,

Joe



Joseph P. Derrig
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Eastern District of Washington
920 West Riverside | Suite 340
P.O. Box 1494 | Spokane WA 99201
Tel 509-353-2767 | Fax 509-835-6398

From: Manish Borde <mborde@bordelaw.com>

Sent: Wednesday, June 3, 2020 9:57 PM

To: Derrig, Joseph (USAWAE) <JDerrig@usa.doj.gov>

Cc: Sally W. Harmeling <SallyH@JDSALaw.com>; Nathan J. Arnold <nathan@cajlawyers.com>; Brian Chestnut <bchestnut@ziontzchestnut.com>

Subject: RE: Grondal, et al. v. United States of America, et al. - 2:09-CV-018-RMP - Request to Confer

Mr. Derrig,

Your email and its tone are not well taken in light of the fact the conference is being requested to meet the goals of 28 U.S.C. § 1927. The purpose of the conference is to give the Federal Defendants an opportunity to cure its contempt of the February 2016 Order so as to avoid the need for Court involvement. It is not I that represented that there was an appraisal when that appraisal had not been filed with the Court.

Rather than simply file the appraisal you referenced during oral argument, you elected to take the time to draft an email threatening me with sanctions. Rather than confer with me without the involvement of the Court, you are taking the position that local rules require the Court's involvement (without citing to a specific local rule). I do not believe there is any such local rule since this is not a discovery dispute. There is already a court order requiring the filing of ". . . all documents in [the United States' possession] applying to any such sale . . ." and nowhere in the Order is there some caveat that the documents be filed only if a motion is pending against Mr. Reyes or another putative former allottee. Indeed, I am not aware of a local rule that requires the parties to confer prior to filing a motion for contempt but I am doing so, again, to avoid the need to impose on the Court and save the parties from a motion practice.

You write below that "We further understand that your collective side wants to meet and confer and immediately file yet another motion." The only reason a motion would be required is if your clients refuse to do what the Court has already ordered. In this light, I am truly at a loss for how it will be construed that it is me personally who is causing a multiplicity of proceedings and conducting himself in a vexatious manner, particularly when I just appeared in this case.

If you are objecting to a conference with counsel for Wapato Heritage, LLC and Plaintiffs, then I can call you myself. And if the attorneys for those parties want to confer with you regarding the same issues, I suppose they can call you separately, although it seems to me that would cause the multiplication which you are seeking to avoid.

Please advise if: (1) you will simply file the appraisal and any and all other documents responsive to the Court's February 2016 Order; (2) confer with me without other counsel; (3) confer with all of us; or (4) you are refusing to have a conversation with me or anyone else without the involvement of the Court. To the extent you are refusing to speak to any of us without the involvement of the Court, please advise of the local rule you are relying on for the proposition that we must impose on the Court for a simple telephonic conference that does not involve a discovery dispute.

Regards,

Manish Borde
BORDE LAW PLLC
600 Stewart Street., Ste. 400
Seattle, WA 98101
Office: 206.905.6129
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From: Derrig, Joseph (USAWAE) <Joseph.Derrig@usdoj.gov>
Sent: Wednesday, June 3, 2020 6:04 PM
To: Manish Borde <mborde@bordelaw.com>
Cc: Sally W. Harmeling <SallyH@JDSALaw.com>; Nathan J. Arnold <nathan@cajlawyers.com>; Brian Chestnut <bchestnut@ziontzchestnut.com>
Subject: RE: Grondal, et al. v. United States of America, et al. - 2:09-CV-018-RMP - Request to Confer

Mr. Borde,

We understand WHL asked you to assist Mr. Reyes and your client has aligned himself with WHL and Mill Bay in this matter. We further understand that your collective side wants to meet and confer and then immediately file yet another motion. I am not sure that anything I could say would change your sides' collective plan; however, I am nonetheless willing to have that discussion with you and the Court. That said, I respectfully suggest we wait until after the Court's order on the pending motions. *See* 28 U.S.C. § 1927. There is no motion pending against your client, nor is there any claim in this case related to his sale. If you nonetheless believe this issue requires the Court's immediate attention, we will, per the local rules and court's preference, request a conference with the Court for it's (and all parties') earliest availability to discuss this issue and hopefully avoid unnecessary additional motion practice. Let us know.

Best regards,

Joe



Joseph P. Derrig
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From: Manish Borde <mborde@bordelaw.com>
Sent: Wednesday, June 3, 2020 12:56 PM
To: Derrig, Joseph (USAWAE) <JDerrig@usa.doj.gov>
Cc: Sally W. Harmeling <SallyH@JDSALaw.com>; Nathan J. Arnold <nathan@cajlawyers.com>
Subject: Grondal, et al. v. United States of America, et al. - 2:09-CV-018-RMP - Request to Confer

Mr. Derrig,

Can you advise of your availability tomorrow afternoon (June 4, 2020) to confer regarding your statement at last week's hearing about the existence of an appraisal and the lack of the filing of that appraisal as required by the February 23, 2016 Order at ECF No. 345 at page 3?

We are available between 1 PM and 4:30 PM tomorrow for a call.

Thank you,

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