



1 good to get a TRO on Tuesday of the next week. The mayor was planning to have the tree cut  
2 down over the weekend “when nobody was around.”

3 4. At 10:30 a.m. on Friday morning, after obtaining the TRO, I drove to city hall  
4 and informed the person sitting at the front counter that I would like to serve legal papers on the  
5 mayor, and I asked how that could be done. She said she would find out. She left and was gone  
6 for several minutes. Then the city attorney's paralegal, Sharleen Johansen, emerged from the  
7 back and came out into the lobby to greet me. I told her I had papers to serve on the mayor. She  
8 indicated that she (Ms. Johansen) would take them on behalf of the mayor. She then looked  
9 through the stack of papers briefly while I waited. Then we parted and she took the papers with  
10 her.  
11

12 5. If it were not for the fact that I found out a mere 12 hours earlier that the mayor  
13 was secretly going to have the tree cut down that weekend, I would have been able to provide  
14 more notice to the mayor of my motion for TRO.

15 6. Later that day, around 3:07 p.m., the mayor’s attorney Jeffrey Meyers called and  
16 left a message with my receptionist. Attached as **Exhibit A** is a true and correct copy of the  
17 message he left for me.

18 7. A half hour later, at 3:37 p.m., Mr. Myers emailed me and served a motion to  
19 dissolve the TRO. Attached as **Exhibit B** is a true and correct copy of the email from Mr. Myers.  
20

21 8. Mr. Myers claimed in the motion that the Davis Meeker oak had dropped a branch  
22 only a few months earlier, on February 2024. In actuality, the branch had dropped over a year  
23 earlier, on May 16, 2023. Attached as **Exhibit C** is a true and correct copy of the work order  
24 detail for cleaning up the branch.  
25

1           9.       A few minutes after I received Mr. Myer’s motion, I received an email from this  
2 Court’s staff. Attached as **Exhibit D** is a true and correct copy of that email.

3           10.       The next week, a day before the May 31st hearing on Mr. Myer’s motion to  
4 dissolve the TRO, I received via email a letter from the Washington Department of Archaeology  
5 and Historic Preservation (DAHP) indicating that under RCW 27.53.060, the mayor cannot cut  
6 down the Davis Meeker oak tree without an Archeological Excavation and Removal Permit from  
7 the state archaeology department.

8           11.       I electronically filed the letter from DAHP with this Court at 12:50 p.m. the same  
9 day I received it. I then drove to the courthouse and dropped off the judge’s copy at about 1:05  
10 p.m. I emphasized to the court staff that it was for a hearing the very next morning and that it  
11 was of utmost importance that the judge see the document because “this will make her job very  
12 easy tomorrow.” The court staff responded to me confidently, “Oh, she will get it.”

13           12.       I also emailed opposing counsel the same document at 12:53 p.m. the same day.  
14 Opposing counsel falsely stated at the hearing the next day that “there is no pleading that raises  
15 archaeological resource laws for the state of Washington. It’s not before the court.”

16           13.       Attached as **Exhibit E** is a true and correct copy of an email chain originating  
17 from Scott Baker, owner of Tree Solutions, which is the company that the City of Tumwater’s  
18 arborist Kevin McFarland asked to assess the tree in 2023 as part of Mr. McFarland’s risk  
19 assessment. I underlined the relevant text in the email.  
20

21 //

22 //

23 //

24 //

25 //

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

3 EXECUTED this 3rd day of September, 2024, at Olympia, Washington.  
4

5  
6 

7 RONDA LARSON KRAMER  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 **CERTIFICATE OF SERVICE**

2  
3 I certify that I served a copy of the foregoing document on all parties or their counsel of  
4 record **via email:**

5 Jeffrey S. Myers  
6 Jakub L. Kocztorz  
7 LAW, LYMAN, DANIEL,  
8 KAMERRER & BOGDANOVICH, P.S.  
9 P.O. BOX 11880  
10 OLYMPIA, WA 98508-1880  
11 [jmyers@lldkb.com](mailto:jmyers@lldkb.com)  
12 [jkocztorz@lldkb.com](mailto:jkocztorz@lldkb.com)  
13 [lisa@lldkb.com](mailto:lisa@lldkb.com)  
14 [tam@lldkb.com](mailto:tam@lldkb.com)

15 Bryan Telegin  
16 Telegin Law, PLLC  
17 175 Parfitt Way SW, Ste. N270  
18 Bainbridge Island, WA 98110  
19 [Bryan@teleginlaw.com](mailto:Bryan@teleginlaw.com)

20 I certify under penalty of perjury that the foregoing is true and correct.

21 EXECUTED this 3rd day of September, at Olympia, WA.

22 

23 \_\_\_\_\_  
24 RONDA LARSON KRAMER  
25 Attorney for SDMGO

# **Exhibit A**

Bettiegram - Call from Betties! Bettiegram ID: 985092

Back Office Betties <newmessage@bettiegram.com>

Fri 5/24/2024 3:07 PM

To: Ronda Larson Kramer <ronda@larsonlawpllc.com>



[Back Office Betties](#)

**Date:** 5/24/2024

**Time:** 3:06 PM

**Message for:** Ronda Larson Kramer

Name: Jeff Myers, Attorney

Phone: 360-764-7717 cell 360-791-1789

Message: He is calling in regard to the Davis Meeker Gary Oak case and he is moving to vacate the TRO.

**Log in to the Betties Client Website to view all your messages!**

Client Login



[Love your Betties team? Review us on Google](#)

**EXHIBIT A**

# **Exhibit B**



## SDMGO v. Sullivan, Thurston county No. 24-2-01895-34

Jeff Myers <jmyers@lldkb.com>

Fri 5/24/2024 3:37 PM

To: Ronda Larson Kramer <ronda@larsonlawpllc.com>

Cc: tam truong <tam@lldkb.com>; Jakub Kocztorz <jkocztorz@lldkb.com>; Karen Kirkpatrick <kkirkpatrick@ci.tumwater.wa.us>

 5 attachments (4 MB)

MtnToDissolve.pdf; MtnToShortenTime.pdf; PropOrderMtnDissolve.pdf; PropOrderMtnToShorten.pdf; Decl Sullivan with Exhibits.pdf;

Ms. Kramer,

I am asking the court for an emergency hearing to vacate the TRO issued ex parte this morning. Attached are:

1. Motion to shorten time
2. Proposed order shortening time
3. Emergency Motion to Dissolve TRO
4. Declaration of Debbie Sullivan
5. Proposed Order granting motion to vacate

I am asking that this be heard by the Court on an emergency basis at 4:00 pm. this afternoon.

### Jeffrey S. Myers

Law, Lyman, Daniel, Kamerrer  
& Bogdanovich, P.S.  
2674 R.W. Johnson Blvd. SW  
Tumwater, WA 98512

Mailing Address  
P.O. Box 11880  
Olympia, WA 98508

(360) 764-7717 (direct line)

(360) 754-3480 (office)

(360) 791-1781 (cell)

(360) 357-3511 (FAX)

[jmyers@lldkb.com](mailto:jmyers@lldkb.com)

**NOTICE:** This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

This e-mail message is protected by the Electronic Communications Privacy Act, 18 U.S.C. §2510-2521 and is legally privileged. Unauthorized review, use or distribution is prohibited. Interception of this e-mail is a violation of federal criminal law.

This office does not accept service of process via email or fax without prior authorization.

# EXHIBIT B

# **Exhibit C**

# Work Order Detail Report

5/28/2024

Meeker Oak - Branches Down on Roadway 05/2023

10:44 AM

**WO Number:** 23-001179

**Category:** Segment

**Status:** Complete

**Problem:** Tree Down/Tree Branches Blocking Hazard

**Status Date:** 5/16/2023 11:49 am

**Main Task:** Clear Roadway Obstruction

**Asset:**

**Location:** OLD HWY 99 SE

**Cause:**

**Assigned By:** 000442 ELDON NEWELL

**Assigned Crew:**

**Assigned Date:** 5/16/2023

**Supervisor:** MARC LAVACK

**Start Date:** 5/16/2023 7:00 AM

**Lead Worker:** ELDON NEWELL

**End Date:** 5/17/2023

Override  
Notifications

**Priority:**

**Sched Start Date:**

Problem

**Account #:**

Overdue

**Proj No - Acct:** 57049\5035

**Project ID:**

Lead Worker

**Project:**

**Project Name:**

Task

**Reason:**

Supervisor

**Received By:**

Hard Lock WO

**Inspected By:**

**Contractor:**

Publically Available

**Inspector Comments:**

**Request Comments for Work Order**

Oak tree cleanup

**Location**

**Department:**

**Division:** Operations

**Sub-Division:** Street

**Area:**

**Sub-Area:**

**Owner:**

**Location:**

**Classification:**

**Maintenance Zone:**

**Alternate Zone:**

**External Source:**

**External WO ID:**

**Work Order Locations**

Address

Address 2

X Coord

Y Coord

General Location

OLD HWY 99 SE

# EXHIBIT C

# Work Order Detail Report

Meeker Oak - Branches Down on Roadway 05/2023

5/28/2024

10:44 AM

Tasks/Resources						
5_ClearRoad Clear Roadway Obstruction						
Crew:	Status:	*Cal'c UC: \$0.00	*Task Cost: \$4,038.82	Start Dt:		
Supervisor:	UOM:	# of Units: 0.00	*Unit Cost: \$0.00	End Dt:		
Employee						
Resource	UOM	Units	*Total Cost	Alt Description	Start Dt	End Dt
001126 JASON MCINTYRE	Hours	1.00	\$29.95		5/17/2023	5/17/2023
000444 CHARLES DEUEL	Hours	5.00	\$172.35		5/17/2023	5/17/2023
000134 WALTER RENAUD	Hours	5.00	\$172.35		5/17/2023	5/17/2023
000824 BRIAN FRANKOWSKI	Hours	5.00	\$172.35		5/17/2023	5/17/2023
001122 DAVID MOORHEAD	Hours	5.00	\$142.25		5/17/2023	5/17/2023
000442 ELDON NEWELL	Hours	2.00	\$74.96		5/16/2023	5/16/2023
<i>Resource Comment: Cleared branches out of highway</i>						
000442 ELDON NEWELL	Hours	4.00	\$149.92		5/17/2023	5/17/2023
<i>Resource Comment: Cleaned up branches and limbs and hauled to weiks</i>						
Material						
Resource	UOM	Units	*Total Cost	Alt Description	Start Dt	End Dt
ST_0000 Street Direct Charge Parts		1.00	\$3,124.69	Sound Urban Fore	10/10/2023	10/10/2023
<i>Resource Comment: SUF Invoice dated 10-10-2023</i>						

Task Material Kit						
5_ClearRoad Clear Roadway Obstruction						
Material Kit	Description	Units	Est Units	UOM	Make	Model
		0	0			

Projected Complete:	Lock: <input type="checkbox"/>	WO Duration	<u>*Actual</u> 10.00	<u>*Estimated</u> 0.00	<u>*Difference</u> 0.00
Repair Type:		Labor Hours	27.00	0.00	0.00
Subcontractor:		Labor Costs	\$914.13	\$0.00	\$0.00
Profit Center:		Material Costs	3,124.69	0.00	0.00
		Fluids Costs	0.00	0.00	0.00
Quantity: 0.00	Lock: <input type="checkbox"/>	Equipment Costs	0.00	0.00	0.00
Unit of Measure: Linear Feet		Contractor Costs	0.00	0.00	0.00
*Unit Cost: \$0.00		Misc. Costs	0.00	0.00	0.00
WO Hours: 0.00		Total Costs	\$4,038.82	\$0.00	\$0.00
		Use Task Info:	True	True	

Billed Party			Billing		
Customer ID:	Customer Number:				
Customer Name:	Last Name:				
Address:	Phone:	Cell #:			
City:	Fax #:				
State:	E-mail:				
Zip:					
Billing Data					
Contact Name:	*Billing Amount:	Billing Required: <input type="checkbox"/>			
Invoice Number:	Date Bill Sent:	Billing Processed: <input type="checkbox"/>			
Incoming Account #:	Payment Received:	Imported to Financials: <input type="checkbox"/>			
	Payment Method:				

### Simple Work Orders

Employee: \_\_\_\_\_ Hours: \_\_\_\_\_  
 End Date: \_\_\_\_\_ Asset Type: \_\_\_\_\_

# Work Order Detail Report

5/28/2024

Meeker Oak - Branches Down on Roadway 05/2023

10:44 AM

CS

General Ledger:

Job Ledger:

General Key:

Job Key:

General Object:

Job Object:

Item	Tracking	Description	By	Date	Time
Work Order Creation		This work order was created with the Lucity framework.	cdeuel	5/17/2023	9:10 AM
Category Change		from ROW Landscaping to Segment	mlavack	5/17/2023	10:54 AM
Problem Change		from Trim/Remove Vegetation/Trees to Tree Down/Tree Branches Blocking Hazard	mlavack	5/17/2023	10:54 AM
Status Change		From New Work Order to Complete	bfrankowski	5/17/2023	11:49 AM
Leadworker Change		from CHARLES DEUEL to ELDON NEWELL	enewell	5/17/2023	1:07 PM

WO User 1:	WO User 4:	WO Sent Finance:	<input type="checkbox"/>
WO User 2:	User 12:	WO User 7:	<input type="checkbox"/>
WO User 3:	User 13:	WO User 8:	<input type="checkbox"/>
WO User 16:	WO User 23:	WO User 26:	<input type="checkbox"/>
WO User 17:	WO User 24:	WO User 27:	<input type="checkbox"/>
WO User 18:	WO User 9:	WO User 28:	<input type="checkbox"/>
WO User 19:	User 10:	WO User 29:	<input type="checkbox"/>
WO User 20:	User 11 Date:	WO User 30:	<input type="checkbox"/>
WO User 21:	WO User 25 Date:		
WO User 50:			
WO User 51:			
DSD Permit #:	User 15:		
User 14:	WO User 22:		

WO User 31:	WO User 42:		
WO User 32:	WO User 43:		
WO User 33:	WO User 44:		
WO User 34:	WO User 45:		
WO User 35:	WO User 46:		
WO User 36:	WO User 47:		
WO User 37:	WO User 48:		
WO User 38:			
WO User 39:			
WO User 40:			
WO User 41:			

WO User 52:	WO User 62:		
WO User 53:	WO User 63:		
WO User 54:	WO User 64:		
WO User 55:	WO User 65:		
WO User 56:	WO User 66:		
WO User 57:	WO User 67:		
WO User 58:	WO User 68:		
WO User 59:	WO User 69:		
WO User 60:	WO User 70:		
WO User 61:	WO User 71:		
WO User 72:	WO User 82:	WO User 102:	<input type="checkbox"/>
WO User 73:	WO User 83:	WO User 103:	<input type="checkbox"/>
WO User 74:	WO User 84:	WO User 104:	<input type="checkbox"/>
WO User 75:	WO User 85:	WO User 105:	<input type="checkbox"/>
WO User 76:	WO User 86:	WO User 106:	<input type="checkbox"/>

---

# Work Order Detail Report

5/28/2024

Meeker Oak - Branches Down on Roadway 05/2023

10:44 AM

---

WO User 92 Date:  
WO User 93 Date:  
WO User 94 Date:  
WO User 95 Date:  
WO User 96 Date:

WO User 97 Date:  
WO User 98 Date:  
WO User 99 Date:  
WO User 100 Date:  
WO User 101 Date:

WO User 77:  
WO User 78:  
WO User 79:  
WO User 80:  
WO User 81:

WO User 87:  
WO User 88:  
WO User 89:  
WO User 90:  
WO User 91:

WO User 107:   
WO User 108:   
WO User 109:   
WO User 110:   
WO User 111:

WO Creator: cdeuel

WO Creation Date: 5/17/2023

PM Trigger:

Rec #: 79045

# **Exhibit D**

RE: SDMGO v. Sullivan, Thurston county No. 24-2-01895-34

Kristine Maine <kristine.maine@co.thurston.wa.us>

Fri 5/24/2024 3:46 PM

To: tam truong <tam@lldkb.com>

Cc: Jeff Myers <jmyers@lldkb.com>; Jakub Kocztorz <jkocztorz@lldkb.com>; Lisa Gates <lisa@lldkb.com>; Ronda Larson Kramer <ronda@larsonlawpllc.com>

Please call the ex parte phone in line between 8:30 and 9:00 a.m.

*Kristine Maine*

**Kristine Maine** | Judicial Assistant to Judge Allyson Zipp and Judge Anne Egeler | Thurston County Superior Court | 2000 Lakeridge Dr. S.W. Bldg 2, Olympia, WA 98502

Phone: 360.786.5557 | Email: [kristine.maine@co.thurston.wa.us](mailto:kristine.maine@co.thurston.wa.us)

**IMPORTANT:** In order to avoid inappropriate ex parte contact, you are hereby directed to forward this communication to all other counsel/parties not already copied on this email.

---

**From:** tam truong <tam@lldkb.com>

**Sent:** Friday, May 24, 2024 3:41 PM

**To:** Kristine Maine <kristine.maine@co.thurston.wa.us>

**Cc:** Jeff Myers <jmyers@lldkb.com>; Jakub Kocztorz <jkocztorz@lldkb.com>; Lisa Gates <lisa@lldkb.com>; ronda@larsonlawpllc.com

**Subject:** SDMGO v. Sullivan, Thurston county No. 24-2-01895-34

**Importance:** High

Good afternoon:

Please find attached filed today with the Court regarding the above referenced matter:

1. Motion to shorten time
2. Proposed order shortening time
3. Emergency Motion to Dissolve TRO
4. Declaration of Debbie Sullivan
5. Proposed Order granting motion to vacate

Thank you.

Tam Truong  
LAW, LYMAN, DANIEL,  
KAMERRER & BOGDANOVICH, P.S.  
P.O. Box 11880  
Olympia, WA 98508-1880  
(360) 754-3480  
[tam@lldkb.com](mailto:tam@lldkb.com)

**EXHIBIT D**



# **Exhibit E**

**From:** [Karen Kirkpatrick](#)  
**To:** [Davis Abbott](#); [Sharleen Johansen](#)  
**Subject:** Re: Davis Meeker Oak  
**Date:** Friday, April 12, 2024 11:40:41 AM

---

Thanks.

Davis, I think you can simply respond back that you have forwarded this on to the city administrator.

**Karen Kirkpatrick** | City Attorney  
City of Tumwater  
555 Israel Road SW | Tumwater, WA 98501  
(360)754-4121 | [kkirkpatrick@ci.tumwater.wa.us](mailto:kkirkpatrick@ci.tumwater.wa.us)  
[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

---

**From:** Sharleen Johansen <[SJohansen@ci.tumwater.wa.us](mailto:SJohansen@ci.tumwater.wa.us)>  
**Sent:** Friday, April 12, 2024 11:33 AM  
**To:** Davis Abbott <[DAbbott@ci.tumwater.wa.us](mailto:DAbbott@ci.tumwater.wa.us)>; Karen Kirkpatrick <[KKirkpatrick@ci.tumwater.wa.us](mailto:KKirkpatrick@ci.tumwater.wa.us)>  
**Subject:** RE: Davis Meeker Oak

Thanks! I've forwarded this to Brittany and Lisa since they are tracking comments.

Sharleen

---

**From:** Davis Abbott <[DAbbott@ci.tumwater.wa.us](mailto:DAbbott@ci.tumwater.wa.us)>  
**Sent:** Friday, April 12, 2024 10:56 AM  
**To:** Karen Kirkpatrick <[KKirkpatrick@ci.tumwater.wa.us](mailto:KKirkpatrick@ci.tumwater.wa.us)>  
**Cc:** Sharleen Johansen <[SJohansen@ci.tumwater.wa.us](mailto:SJohansen@ci.tumwater.wa.us)>  
**Subject:** FW: Davis Meeker Oak

I got another random email about the oak tree.

**Davis Abbott** | Assistant City Attorney  
Tumwater City Attorney's Office  
555 Israel Road SW | Tumwater, WA 98501  
[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

---

**From:** Scott Baker <[scottbakertreeundertaker@gmail.com](mailto:scottbakertreeundertaker@gmail.com)>  
**Sent:** Friday, April 12, 2024 10:30 AM  
**To:** Davis Abbott <[DAbbott@ci.tumwater.wa.us](mailto:DAbbott@ci.tumwater.wa.us)>  
**Subject:** Davis Meeker Oak

**EXHIBIT E**

You don't often get email from [scottbakertreeundertaker@gmail.com](mailto:scottbakertreeundertaker@gmail.com). [Learn why this is important](#)

Hello Davis,

If you want to talk about the tree I would be happy to chat with you. I helped save that tree when the road was improved in the late 70's. I visit the tree often and my company has looked at it recently.

The consultant report that you have is an embarrassment to any knowledgeable arborist.

By the way...the tree is not dead! It has a full and vigorous canopy. Please give me a call if you are interested in learning more about tree risk assessment.

Respectfully, Scott  
206-601-3297

--

Scott D. Baker, RCA  
Registered Consulting Arborist  
Board Certified Master Arborist  
Tree Risk Assessment Qualification Instructor  
Honorary Life member International Society of Arboriculture  
Ancient Forest Society  
Seattle, Washington