

1 2. In preparing Defendants' responses to Plaintiffs' First Discovery Requests,
2 Defendants' counsel collected documents from all fifteen Defendants.

3 3. Defendants' counsel conducted legal research and reviewed the relevant
4 case law in Washington and the Ninth Circuit concerning the associational privilege.
5 Counsel determined that many of the documents at issue were protected under this
6 privilege.

7 4. Over the course of several weeks, I, along with seven other attorneys at
8 DWT, Maria LaHood and one other attorneys from the Center for Constitutional Rights
9 ("CCR"), and our two other co-counsel, Barbara Harvey and Steven Goldberg, undertook
10 the rigorous process of reviewing these documents. The core legal team (Bruce E.H.
11 Johnson, Angela Galloway, Brooke Howlett, Maria LaHood, Barbara Harvey, and Steven
12 Goldberg) provided reviewers with research summaries and a review protocol regarding,
13 among other things, the associational privilege. The team instructed the reviewing
14 attorneys to identify documents that fall under the associational privilege and tag them
15 accordingly. If reviewers had questions as to the applicability of the associational privilege
16 to a certain document or group of documents, the core legal team would confer as a group
17 to discuss the privilege and determine its applicability to the document in question.

18 5. In total, this process took hundreds of hours of attorney time including time
19 spent developing a review protocol, conducting teleconferences to manage and discuss the
20 review process, and reviewing the documents.

21 6. Roughly 2,600 documents were simply nonresponsive to Plaintiffs'
22 discovery requests.

1 7. Around 2,200 of the responsive documents were designated as privileged
2 under the attorney client privilege or the work product doctrine (or both). Another
3 roughly 200 documents were withheld under either the associational privilege and the
4 attorney client privilege, or the associational privilege and the work product doctrine.

5 8. Around 7,000 documents are withheld under the associational privilege
6 alone. Around 3,000 of these documents were created after this lawsuit was filed. The
7 majority of these documents are private communications between Defendants, other board
8 members, staff members, and other co-op members discussing internal organizational
9 issues.

10 9. To date, Defendants produced 627 documents that were non-privileged and
11 responsive to Plaintiffs' discovery request. Personal identifying information of non-parties
12 was redacted.

13 10. On December 16, 2015, I, along with other members of the core legal team,
14 met and conferred with Avi Lipman, attorney for Plaintiffs. During the meet-and-confer
15 process, Defendants' counsel notified Mr. Lipman of our current estimated number of
16 documents withheld on the basis of these various privileges. We also explained our
17 position that the associational privilege extends not just to names and identities, but also a
18 wide range of internal communications.

19 11. My email to Mr. Lipman dated January 12, 2016 contained a computational
20 error. *See* Plaintiffs' Second Motion to Compel, Ex. L. I mistakenly did not account for
21 the number of nonresponsive documents collected from Defendants, and for the common
22 instance where one document has been withheld on multiple bases. I expect the total
23 number of entries in the privilege log to be around 9,500 documents.

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DECLARATION OF SERVICE

On January 20, 2016, I caused to be served a true and correct copy of the foregoing document upon counsel of record, at the address stated below, via the method of service indicated:

Robert M. Sulkin	<input type="checkbox"/>	Via Messenger
Avi J. Lipman	<input type="checkbox"/>	Via U.S. Mail
McNaul Ebel Nawrot & Helgren PLLC	<input type="checkbox"/>	Via Overnight Delivery
600 University Street, Suite 2700	<input type="checkbox"/>	Via Facsimile
Seattle, WA 98101-3143	<input checked="" type="checkbox"/>	Via E-mail

I declare under penalty of perjury under the laws of the United States of America and the State of Washington that the foregoing is true and correct.

DATED this 20th day of January, 2016, at Seattle, Washington.

s/ Brooke Howlett
Brooke Howlett, WSBA No. 47899