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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

RESIDENTS FOR PRESERVATION)
OF QUALITY OF LIFE ON)
HOOD CANAL, a Washington)
corporation,)
Plaintiff,)
vs.)
CYNTHIA OLSEN and STEVE)
OLSEN, wife and husband,)
and BOB GILBERT and PAM)
GILBERT, husband and wife,)
Defendants.)

NO. 2000-00000
SUMMONS (20 DAYS) or
(60 DAYS)

A lawsuit has been started against you in the above-entitled Court by plaintiff above named. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense, in writing, and serving a copy upon the undersigned attorney for the plaintiff within 20 days after the service of this Summons (or 60 days in the event of service outside the State of Washington), excluding the day of service, or a default judgment may be entered against you without notice. A

Smith & O'Hare, P.S., Inc.
Post Office Box 68
Silverdale, Washington 98383
Phone: (360) 692-5566
Fax: (360) 692-1373
E-Mail som@tscnet.com

1 default judgment is one where plaintiff is entitled to what
2 he asks for because you have not responded. If you serve a
3 notice of appearance on the undersigned attorney, you are
4 entitled to notice before a default judgment may be entered.

5 You may demand that the plaintiff file this lawsuit with the
6 court. If you do so, the demand must be in writing and must
7 be served upon the plaintiff. Within 14 days after you
8 serve the demand, the plaintiff must file this lawsuit with
9 the court or the service on you of this Summons and
10 Complaint will be void.

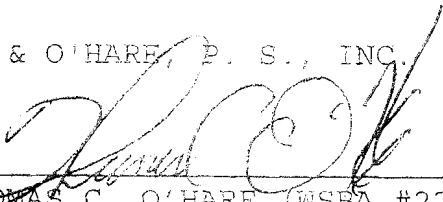
11 If you wish to seek the advice of an attorney in this
12 matter, you should do so promptly so that your written
13 response, if any, may be served on time.

14 This Summons is issued pursuant to Rule 4 of the Superior
15 Court Civil Rules of the State of Washington.

16 DATED: April 1, 2004.

17 SMITH & O'HARE, P. S., INC.

18 By

19 
20 THOMAS C. O'HARE (WSEA #220)
21 Attorneys for Plaintiff(s)
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

04 9 2003 6

RESIDENTS FOR PRESERVATION)
OF QUALITY OF LIFE ON)
HOOD CANAL, a Washington)
corporation)
Plaintiff)

NO.)
COMPLAINT FOR VIOLATION)
OF OPEN PUBLIC MEETINGS)
ACT)

v.)

CYNTHIA OLSEN and STEVE)
OLSEN, wife and husband and)
BOB GILBERT and PAM)
GILBERT, husband and wife)
Defendants)

Residents for Preservation of Quality of Life on Hood Canal,
through its undersigned attorney of record, alleges as
follows:

1 1. Residents for Preservation of Quality of Life on Hood
2 Canal (hereafter "Residents") is a Washington corporation.
3 All license fees due and owing from the corporation to the
4 State of Washington are fully paid.

5 2. Defendants Cynthia Olsen and Steve Olsen are wife and
6 husband and residents of Mason County, Washington. All
7 actions of Cynthia Olsen material hereto were performed for
8 and on behalf of the marital community of Cynthia Olsen and
9 Steve Olsen.

10 3. Defendants Bob Gilbert and Pam Gilbert are husband and
11 wife and residents of Mason County, Washington. All actions
12 of Bob Gilbert material hereto were performed for and on
13 behalf of the marital community of Bob Gilbert and Pam
14 Gilbert.

15 4. Defendants Cynthia Olsen and Bob Gilbert are, and all
16 times material hereto, each been elected Commissioners of
17 the Port of Tahuya.

18 5. Since at least calendar year 1999 Defendant Bob Gilbert
19 has resided, between approximately January and May of each
20 year, in the State of Arizona.

21 6. Between 1999 and the present, during the periods of the
22

1 year when Defendant Bob Gilbert has resided in the State of
2 Arizona, Defendants Cynthia Olsen and Bob Gilbert have
3 regularly and routinely discussed and determined, separate
4 from and in advance of scheduled open meetings of the Port
5 of Tahuya, all material issues to be considered during the
6 scheduled open meeting of the Port of Tahuya by discussing
7 and conducting such business during long distance telephone
8 calls between Commissioner Cynthia Olsen and Commissioner
9 Bob Gilbert.

10 7. The Port of Tahuya is governed by a board of three Port
11 Commissioners. Between 1999 and the present each telephone
12 discussion between Commissioner Olsen and Commissioner
13 Gilbert has concerned Port of Tahuya business and has
14 therefore necessarily been the occasion of a discussion
15 between and among Commissioners constituting a quorum of the
16 governing body of the Port of Tahuya.

17 8. Pursuant to RCW 42.30.030 all meetings of the governing
18 body of the Port of Tahuya are required to be open and
19 public.

20 9. Each of the telephone conversations between Commissioner
21 Olsen and Commissioner Gilbert referred to herein
22

1 constitutes a separate knowing violation by Commissioner
2 Gilbert and by Commissioner Olsen of the open public meeting
3 requirements of RCW 42.30.030.

4 10. Pursuant to RCW 42.30.120 Commissioner Olsen and
5 Commissioner Gilbert are each subject to a civil penalty of
6 \$100 with respect to each separate telephone call between
7 the two Commissioners during which Port of Tahuya business
8 was discussed.

9 11. Pursuant to RCW 42.30.120 Residents is entitled to an
10 award of reasonable attorneys fees and costs incurred in
11 connection with this action.

12 Wherefore Plaintiff Residents prays for judgment as follows:

13 1. Assessing a civil penalty of \$100 as to Defendants
14 Commissioner Olsen and as to Commissioner Gilbert, and their
15 respective marital communities, with respect to each
16 separate telephone conversation participated in by
17 Commissioner Olsen and Commissioner Gilbert.

18 3. Awarding Residents a judgment against Defendants Gilbert
19 and Defendant Olsen and their respective marital communities
20 in the amount of Resident's reasonable costs and attorneys
21 fees incurred herein.

1 4. For a permanent injunction restraining Defendants
2 Cynthia Olsen and Bob Gilbert from violating the Open Public
3 Meetings Act and specifically from discussing Port of Tahuya
4 business on the telephone.

5 5. For such other and further relief as the court may deem
6 just and proper.

7 SMITH & O'HARE P.S., INC.

8 
9 THOMAS C. O'HARE (WSBA #220)

10 Attorneys for Plaintiff Residents for
11 Preservation of Quality of Life on Hood Canal
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