

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

SARAH HAND AND GRETCHEN HAND,
a married couple

Complainant,

v.

RAINIER VIEW WATER COMPANY, INC.,

Respondent.

DOCKET UW 170924

**DECLARATION OF NIGEL MALDEN
IN SUPPORT OF COMPLAINANT'S
MOTION TO COMPEL RESPONDENT
TO PRODUCE DOCUMENTS**

I, Nigel S. Malden, declare as follows:

1. I represent complainant, Sarah Hand.
2. I submit this declaration in support of Sarah Hand's Motion To Compel Rainier View Water Company, Inc. To Produce Documents.
3. I served Rainier View Water Company Inc. ("RVWC") with Complainant's First Request For Production on January 19, 2018. The request included:

REQUEST FOR PRODUCTION NO. 2: Produce copies of all complaints from customers on the Southwood System relating to water quality which you received in 2014, 2015, 2016, 2017 and 2018.

Attached as **Exhibit 1** is a true and correct copy of RVWC's response to this request for production answering the request as follows:

**DECLARATION OF NIGEL MALDEN IN SUPPORT
OF COMPLAINANT'S MOTION TO COMPEL
RESPONDENT TO PRODUCE DOCUMENTS-
DOCKET UW 170924**

NIGEL S. MALDEN LAW, PLLC
711 Court A, Suite 200
Tacoma, Wa. 98402
253-627-0393 p
844-273-6067 f

EXHIBIT 1

Exhibits

NIGEL S. MALDEN LAW, PLLC
711 Court A, Suite 200
Tacoma, Wa. 98402
253-627-0393 p 844-273-6067 f

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

SARAH HAND,

Complainant,

v.

RAINIER VIEW WATER COMPANY, INC.,

Respondent.

Docket No. UW 170924

PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS TO
RAINIER VIEW WATER COMPANY INC.
AND RESPONSES THERETO

TO: Sarah Hand, Complainant

AND TO: Nigel S. Malden, Attorney for Complainant

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce all water quality test results for all wells in the Southwood System taken from January 1, 2016 to present.

RESPONSE:

Please reference documents bates numbered RVWC.UTC000000-000281.

REQUEST FOR PRODUCTION NO. 2: Produce copies of all complaints from customers on the Southwood System relating to water quality which you received in 2014, 2015, 2016, 2017 and 2018.

RESPONSE:

Objection. Request for Production No. 2 is vague and susceptible to multiple interpretations in the use of the word "complaints". Aside from the Complainant's
PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO RAINIER VIEW WATER COMPANY INC. AND RESPONSES THERETO- 1

PREG O'DONNELL & GILLETT PLLC

901 FIFTH AVE., SUITE 3400

SEATTLE, WASHINGTON 98164-2026

TELEPHONE: (206) 287-1775 • FACSIMILE: (206) 287-9113

1 complaint, previously produced, RVWC received no escalated water quality complaints
2 from customers during this time period. Accordingly, no such documents exist.
3

4 **REQUEST FOR PRODUCTION NO. 3:** Produce all work orders relating to water quality
5 complaint from customer on the Southwood System from 2014 to present.

6 **RESPONSE:**

7
8 Please see objection and response to Request for Production No. 2. Notwithstanding the
9 foregoing, please reference documents marked RVWC.UTC000282-291 listing all
10 customer-initiated work orders from 1-29-2015 through the present. No documents exist
11 for the timeframe prior to 1-29-2015.

12 **REQUEST FOR PRODUCTION NO. 5:** Produce all written or electronic communications
13 between you and Apex Engineering regarding the design, cost, installation, maintenance, repair
14 and performance of any water filter system installed on any well in the Southwood System in
15 2015, 2016, 2017, or 2018.

16 **RESPONSE:**

17 Please reference documents marked RVWC.UTC000302-321.
18

19 **REQUEST FOR PRODUCTION NO. 7:** Produce copies of documents showing Robert
20 Blackman's ownership or financial interest in Rainier view from 2015 to present.

21 **RESPONSE:**

22 **Objection. Mr. Blackman's ownership interest in Rainier View Water Company, Inc. is**
23 **not relevant to this litigation and is not reasonably calculated to lead to the discovery of**
24 **admissible evidence. Without waiving the foregoing objection, Mr. Blackman's financial**
25 **interest is limited to a fixed value pay-out following retirement.**
26
27
28

1 **REQUEST FOR PRODUCTION NO. 8:** Produce all documents, if any, relating to any
2 survey of Pierce County customers which you conducted pursuant to WAC 246-290-320(3)(d).

3 **RESPONSE:**

4
5 No responsive documents exist because RVWC was not required to conduct a survey of
6 Pierce County customers pursuant to WAC 246-290-320(3)(d).

7
8 **REQUEST FOR PRODUCTION NO.9:** Produce all documents relating to any presentation
9 of options or alternative to the filtration system designed and installed by APEX Engineering in
10 2015, 2016, or 2017.

11
12 **RESPONSE:**

13 No responsive documents exist.

14
15 DATED this 20 day of February, 2018.

16 PREG O'DONNELL & GILLETT PLLC

17
18 By 

Eric P. Gillett, WSBA #23691

Daniel W. Rankin, WSBA #49673

Attorneys for Defendant Rainier View Water
Company, Inc.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that on this day the undersigned caused to be served in the manner indicated below a copy of the foregoing document directed to the following individuals:

Counsel for Plaintiff Sarah Hand

Nigel S. Malden, Esq.
Nigel S. Malden Law, PLLC
711 Court A, Suite 200
Tacoma, WA 98402

- Via Messenger
- Via Facsimile – (844) 273-6067
- Via U.S. Mail, postage prepaid
- Via Overnight Mail, postage prepaid
- Via Court E-Service or email
with recipient's approval
nm@nigelmaldenlaw.com

DATED in Seattle, Washington, this 20th day of February, 2018.



Ana I. Todakonzie