

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

**EXHIBIT 1 TO DECLARATION OF
NIGEL MALDEN IN OPPOSITION TO
MOTION TO COMPEL DISCOVERY**

EXHIBIT 1

**TO DECLARATION OF NIGEL MALDEN IN OPPOSITION TO MOTION TO
COMPEL DISCOVERY**

June 21, 2018

Sarah Hand's Answers to First Set of Interrogatories and Request

For Production from Rainier View Water Company, Inc.

Honorable G. Helen Whitener

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

SARAH HAND and GRETCHEN HAND,

Plaintiff(s),

v.

RAINIER VIEW WATER COMPANY,
INC.,

Defendant(s).

NO. 17-2-05538-2

PLAINTIFF SARAH HAND AND
GRETCHEN HAND'S RESPONSE TO
DEFENDANT RAINIER VIEW WATER
COMPANY, INC.'S FIRST SET OF
INTERROGATORIES AND
REQUESTS FOR PRODUCTION

TO: RAINIER VIEW WATER COMPANY, INC., DEFENDANT;

AND TO: Eric P. Gillett and Daniel W. Rankin, Attorneys for Plaintiff.

COMES NOW the Plaintiffs, Sarah Hand and Gretchen Hand, ("Plaintiffs") and submits the following written response to the Defendant's first set of interrogatories and requests for production to the Plaintiff Sarah Hand.

In accordance with Rules 26, 33 and 34, Civil Rules for Superior Court, please answer the attached Interrogatories and Requests for Production. As required by Rules 26, 33 and 34, please answer each request within the blank space provided, inserting additional pages where necessary; verify your answers under oath on the form provided after the last interrogatory; and serve the original set of the Interrogatories and

PLAINTIFF SARAH HAND and GRETCHEN
HAND'S RESPONSE TO DEFENDANT RAINIER
VIEW WATER COMPANY, INC.'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR
PRODUCTION - 1
NO. 17-2-05538-2

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

1 Requests for Production and answers to this office. You are required to serve your
2 written response within thirty (30) days after service of this request.

3 Pursuant to Civil Rule 34, Defendant requests to permit inspection and/or
4 copying of the documents or things listed below within thirty (30) days from the date of
5 service of this request. The designated documents or things may be delivered to
6 attorneys for Defendant at Preg O'Donnell & Gillett, PLLC, 901 Fifth Avenue, Suite
7 3400, Seattle, Washington 98164; or may be deposited in the United States Mail, First
8 Class, postage paid, and properly addressed to attorneys for Defendant at the foregoing
9 address.

10 If you claim attorney-client privilege or work product privilege to any document
11 requested, identify such document in your written response, giving the following
12 information: (a) date of document; (b) author of document; (c) addressee of document; (d)
13 nature of document, such as memorandum, letter, etc.; (e) anyone who has received a
14 copy of the document; and (f) the general subject matter of the document.

15 THESE INTERROGATORIES AND REQUESTS FOR PRODUCTION ARE TO
16 BE TREATED AS CONTINUING. IF ADDITIONAL INFORMATION IS DISCOVERED
17 BETWEEN THE TIME OF MAKING THESE ANSWERS AND THE TIME OF TRIAL,
18 THESE INTERROGATORIES AND REQUESTS FOR PRODUCTION ARE ALSO
19 DIRECTED TO THAT INFORMATION. IF SUCH INFORMATION IS NOT
20 FURNISHED, THE UNDERSIGNED WILL MOVE, AT THE TIME OF TRIAL, TO
21 EXCLUDE FROM EVIDENCE ANY INFORMATION REQUESTED AND NOT
22 FURNISHED.

23 As used in these interrogatories and requests for production, the term
24 "document" means writings of every kind and character fixed in any tangible medium,
25

1 including, without limitation, the original and any copy, regardless of origin or location.

2 The term “document” also includes documents in computerized form as defined below.

3 Documents should be produced in native format or such other format upon which
4 the parties mutually agree, in all cases preserving original metadata and source
5 information.

6 “Computerized Form,” “electronic data,” and/or “computer files” means all
7 electronically stored information (“ESI”), data, information, documents, databases
8 (including all data and electronic information and/or metadata that has been saved to
9 the database regardless of format or the software application), data collections,
10 electronic text (including that not identified with a particular computer programs such as
11 “ASCII”), images, e-data, and files stored on, for use with or for use on central
12 processing units (CPUs), data processing equipment, free-standing computers,
13 mainframe computers, mini-computers, personal computers, desktop computers, laptop
14 computers, notebook computers, portable computers, mobile devices (including text
15 messages), personal digital assistants, smart phones, computer networks, network
16 workstations, computer servers, grids, clusters, network attached storage, virtual
17 storage of any type, backup storage, data warehouses, data-marts, knowledge
18 management services, document management systems, web hosting services, web
19 administration services, intranet systems, extranet systems, off-site data storage,
20 archive support, the internet (i.e. e-mail), email servers, email archives, social
21 networking sites, social media sites, web video sharing sites (i.e. YouTube), wikis,
22 digital voice mail systems, video-conferencing equipment, instant messaging systems
23 including twitter, portals, third party document retention facilities or services (i.e. any on-

1 line document retention medium or service), third party vendors and cloud based
2 services, storage and systems, including without limitation the following:

3 (a) All such data and information on, in, or retrievable from drum and disk storage
4 devices, hard disk drives, hard disks, fixed drives, CD-ROM drives, tape
5 drives, Zip/Jaz drives, DVD drives, external drives, optical disk drives,
6 thumbnail drives, Maxtor drives, snap drives, removable drives, portable
7 drives, including any back-up and archive systems, microfiche repositories
8 and readers, and any Internet storage medium/service; and

9 (b) All media used for data storage including but not limited to floppy disks or
10 diskettes, cartridges, magneto-optical disks, CDs, Zip/Jaz disks, DVDs, USB
11 storage, tapes, magnetic tapes, including electronic storage media used for
12 back-up and archiving data, data processing cards, and microfilm and
13 microfiche.

14 When asked to identify and locate documents, you are required to state the
15 nature of each document (*e.g.*, item of correspondence, file, contract, etc.) in detail
16 sufficient to enable it to be produced on motion or request, the specific location of the
17 document (*e.g.*, building name, address and room number), the name and address of
18 the individual having physical possession and control thereof, and where the same may
19 be made available for inspection and copying upon motion or request.

20 The term “you” or “your” means Sarah Hand, Gretchen Hand or Sarah and
21 Gretchen Hand, and their attorneys and/or agents.

22 The term “your home” means the house located at 7202 201st Street East,
23 Spanaway, Washington.

24 The term “HOA” means the Springwood HOA.

1 The term "identify" when used in reference to an individual person means to state
2 his/her full name, present address and telephone number, if known; his/her present
3 position, and business affiliation.

4 The terms "the incident" refers to the alleged water contamination involving the
5 Defendant that is the subject of Plaintiffs' Complaint.

6 The term "water contamination" refers to the broad terms that is the subject of
7 and used by Plaintiff's in their Complaint, including, but not limited to, "debris,"
8 "particulates," "odor," "toxicity," "brackish," "brownish" or "dirty brown," "minerals,"
9 "sediments," "chemicals," and "other foreign substances."

10 The term "water delivery" refers to the "manufacture," "collection," "treatment,"
11 "marketing," "selling," and/or "delivery" of water by Defendant that is the subject of
12 Plaintiff's Complaint.

13 The term "Plaintiff" or "Plaintiffs" refers to Sarah and/or Gretchen Hand

14 The term "photographs" includes but is not limited to any movies, video, digital,
15 film, slide, still photographs, or any other photographic representation.

16 The term "electronic devices" includes but is not limited to any cell phone, smart
17 phone, smart watch, "iPod," "iPad," laptop computer, desktop computer, cameras, video
18 recorder, tablet, MP3 player and software operating or word processing program that
19 facilitate the operation and creation of documents of said electronic devices such as
20 Windows, MAC, Word, Excel, PowerPoint, etc.

21 **DUTY TO SUPPLEMENT ANSWERS**

22 The following Interrogatories and Requests for Production shall be deemed
23 continuing so as to require you, to the extent required by Rule 26(e), to produce
24 additional information and/or documents if you, your agents, representatives, or
25

1 attorneys gain access to additional information and/or documents that is or may be
2 responsive to these Interrogatories and Requests for Production between the time you
3 sign your answers to these Interrogatories and Requests for Production and trial.

4 IF YOU CANNOT ANSWER AFTER CONDUCTING A REASONABLE
5 INVESTIGATION, YOU SHOULD SO STATE AND ANSWER TO THE EXTENT YOU
6 CAN, STATING WHAT INFORMATION YOU CANNOT PROVIDE AND STATING
7 WHAT EFFORTS YOU MADE TO OBTAIN THE UNKNOWN INFORMATION.

8 **INTERROGATORIES AND REQUESTS FOR PRODUCTION**

9
10 **INTERROGATORY NO. 1:** Please identify yourself fully, stating your full name and any
11 previous names or aliases, residential addresses for the last 10 years, date of birth,
12 age, business or occupation, current and former employers for the last 10 years, and
13 Social Security Number.

14 **ANSWER:** Plaintiffs objects to providing social security number on grounds of
15 relevance and invasion of privacy.

16
17 **Name: Sarah Elizabeth-Jayne Hand**

18 **Addresses:**

19 **7202 201st Street East Spanaway, Washington 98387**

20 **1311 Riddel Ave Court East Orting, Washington 98360**

21 **9918 98th Ave NE Tacoma, Washington 98446**

22 **2901 Burger Lane SE Port Orchard, Washington 98366**

23 **Date of Birth: 9-25-1978**

24 **Age: 38 years old**

1 **Occupation: Homemaker**

2 **Former Employers: Skookum Contract Services**

4 **Name: Gretchen Gerda Hand**

5 **Gretchen Gerda Smith**

6 **Gretchen Gerda Gardner**

7 **Addresses:**

8 **7202 201st Street East Spanaway, Washington 98387**

9 **1311 Riddel Ave Court East Orting, Washington 98360**

10 **16007 123rd Ave. Court E Puyallup Washington 98374**

11 **Date of Birth: 07-08-1977**

12 **Age: 39 years old**

13 **Occupation: Senior Restaurant Manager**

14 **Former Employers: BJs Brewhouse**

15 **Clam Jumpers – Tukwila, Washington**

16 **Red Robin**

17
18
19 **REQUEST FOR PRODUCTION NO. 1:** Please produce all documents relating to all
20 federal income tax returns and all schedules, state tax returns and all schedules, W-2
21 forms, and social security earnings statements for the last five years.

22 **RESPONSE:** Plaintiffs objects to producing all documents relating to all federal
23 income tax returns and all schedules, state tax returns and all schedules, W-2

1 forms, and social security earnings statements for the last five years as it is
2 irrelevant to the facts of this case and invades the right of privacy.

3
4 **INTERROGATORY NO. 2:** Please identify every legal action, including district or
5 municipal court cases, child custody or bankruptcy, to which you have been a party by
6 case caption, case number, jurisdiction, and venue.

7 **ANSWER:** Objection, irrelevant and invasion of privacy. Without waiving
8 objection, plaintiffs have not been convicted of a felony or a misdemeanor
9 involving fraud, perjury, or false statement. Cases (excluding traffic violations)
10 involving Plaintiff, Sarah Hand, are listed below:

11				
12	Personal	S27 Pierce Co	98-2-04892-7	02-24-1998
13	Injury	Superior		
14	Adoption	S18 Kitsap Superior	09-2-00001-0	01-01-2009
15	Personal	S27 Pierce Co	14-2-05517-5	01-27-2014
16	Injury	Superior		
17	Present Case	S27 Pierce Co	17-2-05538-2	02-17-2017
18		Superior		
19	Bank Debt	S27 Pierce Co	17-2-06470-5	03-24-2017
20		Superior		
21	Restraining	S27 Pierce Co	12-2-03657-3	10-08-2012
22	Order	Superior		
23	Adoption	S18 Kitsap Superior	06-3-01753-1	12-06-2006
24	Child Custody	S27 Pierce Co	06-3-03927-0	11-16-2006
25		Superior		

1 **Cases (excluding traffic violations) involving Plaintiff, Gretchen Hand, are listed**
2 **below:**

3 Divorce	S22 Lincoln Co Superior	08-3-02201-8	
4 Present Case	S27 Pierce Co Superior	17-2-05538-2	02-17-2017
5 Divorce	S27 Pierce Co Superior	14-3-00541-4	06-20-2008

6
7 **REQUEST FOR PRODUCTION NO. 2:** Please produce any and all written, graphic
8 materials, photographs, slides, video and/or other imaging depicting and/or relating to
9 the incident alleged in your Complaint, and the injuries and damages you allege you
10 have sustained including setting forth the date, time, place taken, recorded, and/or
11 created, and the person who took, recorded and/or created same.

12 **RESPONSE:** See exhibits. Investigation and discovery including the assembly of
13 **photographs is continuing and public disclosure requests with the Washington**
14 **Utility and Transportation Commission (“WUTC”) and Washington Department of**
15 **Health (“DOH”) are pending.**

16
17 **REQUEST FOR PRODUCTION NO. 3:** Please produce any written or recorded
18 statements from any witnesses concerning this action including setting forth the date,
19 time, place taken, recorded, and/or created, and the person who took, recorded and/or
20 created same. If any documents are withheld as privileged, please provide who made
21 the statement, who requested that the statement be made, and when the statement was
22 given.

23 **RESPONSE:** **Objection. Vague and ambiguous as to meaning of “statement.”**
24 **Without waiving objection, Plaintiffs do not have written or recorded statements**
25 **taken from witnesses other than various e-mails and letters obtained from**

1 defendants in discovery or the WUTC by public disclosure request. In addition,
2 Plaintiffs have audio recording of the WUTC meeting on December 22, 2016 which
3 was forwarded to Plaintiffs' counsel.

4
5 **INTERROGATORY NO. 3:** Describe in detail the basis for your knowledge, the name of
6 any fact witnesses, and any documents that relate to the allegations in your contention
7 in Paragraph 3.6 of your Complaint that "the water actually provided by Defendant
8 Rainier to plaintiffs is often brackish and dirty brown in color with floating debris and
9 particulates which is disgusting to look at and unfit for normal household use and
10 consumption."

11 **ANSWER:** The basis of plaintiffs' knowledge is personal eyewitness observations
12 made inside her home since May of 2015. She submitted complaints based on
13 her observations to Rainier View Water Company, Inc. ("Rainier") and the WUTC.
14 These complaints are referenced in documents produced by defendant and
15 WUTC including a memo drafted by Rachel Stark attached as an exhibit.

16
17 **INTERROGATORY NO. 4:** Describe in detail the basis for your knowledge, the name of
18 any fact witnesses, and any documents, repair records or receipts, and/or medical
19 records that relate to the allegations in your contention in Paragraph 3.7 of your
20 Complaint that "Defendant Rainier's water is contaminated and has damaged the
21 plaintiff's plumbing fixtures and appliances. The contaminated water has likely caused
22 skin rashes, infections and other health problems."

23 **ANSWER:** This is based on first hand observations of the contaminated water
24 coming through the faucets in the house and damaging appliances and fixtures

1 and first hand observations of skin rashes and ear infections suffered by
2 Plaintiffs' daughter. See various receipts for purchase of replacement valve and
3 appliances and a photo showing drywall repair are attached as exhibits.
4

5 **INTERROGATORY NO. 5:** Describe in detail the basis for your knowledge, the name of
6 any fact witnesses, and any documents that relate to the allegations in your contention
7 in Paragraph 3.7 of your Complaint that "Defendant Rainier has been aware their water
8 is tainted for many years and has promised but failed to take reasonable corrective
9 action."

10 **ANSWER:** The allegations are based on Bob Blackman's own testimony during
11 the WUTC hearing and test reports, consumer complaints, emails between UTC
12 and Rainier produced by Rainier in discovery and WUTC by public disclosure
13 request. Investigation and discovery are continuing.
14

15 **INTERROGATORY NO. 6:** Please state with specificity the basis for your contentions in
16 Paragraphs 4.2 through 4.5 of your Complaint that Defendant breached its contract to
17 Plaintiffs, including what you allege to form the basis of a contract between you and
18 Defendant, and any statutes or federal, state, county, and city codes you rely upon.

19 **ANSWER:** The plaintiffs paid Rainier to supply potable water fit for human
20 consumption and household cooking and cleaning. The plaintiffs paid the
21 money, but Rainier never delivered water fit for human consumption and
22 household cooking and cleaning.
23
24
25

1 **INTERROGATORY NO. 7:** Please state with specificity the basis for your contentions in
2 Paragraphs 5.2 through 5.3 and 6.2 through 6.3, of your Complaint that Defendant
3 breached express and implied warranties, including what you allege creates any
4 express and implied warranty and any statutes or federal, state, county, and city codes
5 you rely upon.

6 **ANSWER:** Rainier promised to provide potable water fit for human consumption
7 and normal household use including cooking and cleaning but failed to do so.

8
9 **INTERROGATORY NO. 8:** Please state with specificity the basis for your contentions in
10 Paragraphs 12.2 through 12.4 of your Complaint that Defendant breached a duty of
11 care to Plaintiffs, including any documents, statutes or federal, state, county, and city
12 codes you rely upon.

13 **ANSWER:** Investigation and discovery are continuing. Based on information
14 collected so far:

- 15 ○ Rainier knew the water it was supplying to Springwood Estates had
16 excessive levels of manganese but failed to adequately warn and
17 inform plaintiffs or to take timely corrective action.
- 18 ○ Rainier failed to give plaintiffs proper notice of WUTC hearings;
- 19 ○ Rainier misrepresented its ability and intention to correct water
20 complaints;
- 21 ○ Rainier misrepresented its immunity from suit.

22
23 **See WAC 246-290-480, WAC 480-110-385 and RCW 80.40.440.**

1 **INTERROGATORY NO. 9:** Please state with specificity the basis for your contentions
2 that Defendant provided a defective product, failed to conform to warranties, and failed
3 to provide adequate warnings and/or instructions pursuant to Chapter 7.72 RCW as
4 alleged in Paragraphs 7.2 through 7.4, 8.2 through 8.4, and 9.2 through 9.4 of your
5 Complaint, including any additional statutes or federal, state, county, and city codes you
6 rely upon.

7 **ANSWER:** The water has a high level of secondary contaminants, i.e. manganese,
8 which affects the color, taste and smell and makes it unfit for consumption and
9 normal human household use including drinking, cooking, cleaning, bathing, and
10 clothes washing. This is based on the plaintiffs' own observations and the
11 statements from Rainier and the WUTC and others as set forth in documents
12 produced by the WUTC and Rainier in this case. See WAC 246-290-480, WAC 480-
13 110-385 and RCW 80.40.440.

14
15 **INTERROGATORY NO. 10:** Please state with specificity the basis for your contentions
16 that Defendant engaged in unfair or deceptive practices pursuant to Chapter 19.86
17 RCW as alleged in Paragraphs 13.2 through 13.4 of your Complaint, including any
18 additional statutes or federal, state, county, and city codes you rely upon.

19 **ANSWER:** Investigation and discovery are continuing. But, facts collected so far
20 include:

- 21 ○ Rainier failed to timely or properly respond to plaintiffs' water quality
22 complaints;
- 23 ○ Rainier failed to give plaintiffs proper notice of WUTC hearings and
24 requests for rate hikes;

- 1 ○ Rainier misrepresented the nature and number of complaints at the
- 2 WUTC hearing;
- 3 ○ Rainier misrepresented its ability and intention to correct water
- 4 complaints;
- 5 ○ Rainier misrepresented its immunity from suit.

6
7 **See WAC 246-290-480, WAC 480-110-385 and RCW 80.40.440.**

8
9 **INTERROGATORY NO. 11:** Please state with specificity the basis for your contentions
10 that Defendant had a legal duty to provide a certain quality water pursuant to Chapter
11 7.48 RCW as alleged in Paragraphs 14.2 through 14.4 of your Complaint, including any
12 additional statutes or federal, state, county, and city codes you rely upon.

13 **ANSWER:** Rainier is a “purveyor” of potable water required to meet duties set
14 forth in WAC 246-290-010; WAC 246-290-300; WAC 246-290-310; WAC 246-290-
15 320; WAC 480-110-385; and RCW 80.40.440.

16
17 **INTERROGATORY NO. 12:** Please state with specificity the basis for your contentions
18 in Paragraphs 10.2 through 10.5 and 11.2 through 11.5 of your Complaint that
19 Defendant intentionally or negligently misrepresented material facts to Plaintiffs,
20 including the specific assertions you allege to be false, and any statutes or federal,
21 state, county, and city codes you rely upon.

22 **ANSWER:** Investigation and discovery are continuing. But, facts collected so far
23 include:

- 1 ○ Rainier knew the water it was supplying to plaintiff had excessive
- 2 levels of manganese which made it unfit for human consumption and
- 3 normal household use but failed to give adequate explanations or
- 4 warnings and failed to take timely corrective action.
- 5 ○ Rainier failed to give plaintiffs notice of WUTC hearings and requests
- 6 for rate hikes;
- 7 ○ Rainier misrepresented the nature and number of complaints at the
- 8 WUTC hearing;
- 9 ○ Rainier misrepresented its ability and intention to correct water
- 10 complaints;
- 11 ○ Rainier misrepresented its immunity from suit.

12
13 **See WAC 246-290-010; WAC 246-290-300; WAC 246-290-310; WAC 246-290-320;**
14 **WAC 480-110-385; and RCW 80.40.440.**

15
16 **REQUEST FOR PRODUCTION NO. 4:** Please produce any and all documents
17 supporting any contention alleged in your Complaint.

18 **RESPONSE: Objection, vague, ambiguous, duplicative, unduly burdensome.**
19 **Without waiving this objection, see exhibits.**

20
21 **INTERROGATORY NO. 13:** Please identify each instance you could visually and
22 physically observe debris and/or particulates in your drinking, cooking, bathing, and/or
23 cleaning water at your home, including the date, time of day, and what you were doing
24 when you noticed the debris and/or particulates.

1 **ANSWER:** Plaintiffs have observed contaminated water coming out of the faucets
2 on a regular basis since they moved into the house more than 1.5 years ago.
3 They have not kept a dairy or daily log with exact times and dates but have seen
4 the contaminated water virtually every day they are in the home.

5
6 **INTERROGATORY NO. 14:** Please identify each instance that you noticed the water
7 used for drinking, cooking, bathing, and/or cleaning was dirty, brown, contaminated,
8 and/or there was an odor present at your home including the date, time of day, and
9 what you were doing when you noticed the dirty, brown, contaminated and/or odor.

10 **ANSWER:** Plaintiffs have observed contaminated water coming out of the faucets
11 on a regular basis since they moved into the house more than 1.5 years ago.
12 They have not kept a dairy or daily log with exact times and dates but have seen
13 the contaminated water virtually every day they are in the home.

14 Plaintiffs have noticed smelly water in their washing machine with every
15 use. Plaintiffs try to remedy the odor, which taints their clothing, by using double
16 the amount of detergent and double the rinse cycle during loads. Plaintiffs
17 maintain their washing machine with the suggested Tide cleaning pods monthly
18 and using the suggested cleaning wipes on a regular basis. The water still
19 discolors white clothing and causes some degree of odor despite these efforts.

20
21 **INTERROGATORY NO. 15:** Please identify each instance that you were not able to
22 use, drink, bathe, clean, and/or cook with, consume or drink the water, at your home
23 including the date, time of day, and what you were not able to do in support of your
24 contentions set forth in your Complaint.

1 **ANSWER:** Plaintiffs have observed contaminated water on a regular basis since
2 moving into their home. Plaintiffs have made conscious effort not to drink the
3 water since the problem was discovered in 2015. They use bottled water as a
4 substitute. Plaintiffs still use the water to shower and wash clothes, but take
5 special measures as described in prior answers.

6
7 **INTERROGATORY NO. 16:** Please identify the purchase of your house setting forth the
8 closing date, purchase price, buyers' agent, seller's agent, seller(s), and whether any
9 type of home warranty was included in your purchase and whether any home inspection
10 was performed.

11 **ANSWER:** House was purchased by plaintiffs on May 11, 2015 for \$227,000.00.
12 Plaintiffs' real estate agent was Tim Hermanson who works at Windermere in
13 Orting. No home warranty was included. Home inspection report attached as
14 exhibit.

15 **REQUEST FOR PRODUCTION NO. 5:** Please produce a copy of any all homeowner
16 warranty policies.

17 **RESPONSE:** None exist.

18 **REQUEST FOR PRODUCTION NO. 6:** Please produce a copy of any all homeowner
19 insurance policies.

20 **RESPONSE:** See exhibits.

21
22 **INTERROGATORY NO. 17:** Please describe with specificity any conversations you or
23 your agent had with the buyers' agent, seller, or the seller's agent relating to water
24 quality or cleanliness, plumbing, or home maintenance related to your home.
25

1 **ANSWER:** None.

2
3 **INTERROGATORY NO. 18:** Please identify the types and dates of any and all
4 inspections, tests, or investigations done to your home, including the name, address,
5 and phone of each person or facility that performed the inspection, tests, or
6 investigation, and results and/or findings for each.

7 **ANSWER:** Home was inspected once prior to sale. Inspection Report is attached
8 as an exhibit.

9 **REQUEST FOR PRODUCTION NO. 7:** Please produce all documents related to
10 inspections of your home.

11 **RESPONSE:** See exhibits.

12
13 **INTERROGATORY NO. 19:** Please identify any inspections, tests, or investigations
14 you, the HOA, any other homeowner, or any other person or entity has performed or
15 caused to be performed on water from Defendant, including the name, address and
16 phone of each person and facility that performed the inspection, test, or investigation,
17 type of inspection, test, or investigation, the date of the test/investigation, and result or
18 findings of each inspection, test, or investigation. Please also describe any actions
19 taken by you or others as a result of each inspection, test, or investigation.

20 **ANSWER:** Plaintiffs have no personal knowledge whether Rainier, WUTC, or DOH
21 tested water from Springwood Estates other than as they have publicly reported.
22 Plaintiffs have no personal knowledge of whether other local residents have
23 tested their residential water. Plaintiffs object to providing any information as to
24

1 activities performed by consultants retained by counsel on grounds of work
2 product and attorney client privileges.

3 **REQUEST FOR PRODUCTION NO. 8:** Please produce a copy of all water tests and/or
4 test results for all water tests conducted at your home, including any remaining samples
5 and chains of custody of samples tested.

6 **RESPONSE: Objection. Attorney client and attorney work product privilege.**
7
8 **Without waiving this objection, none other than as performed by consultant**
9 **arranged by counsel.**

10
11 **REQUEST FOR PRODUCTION NO. 9:** Please produce a copy of all water tests and/or
12 test results for any water test conducted by any person or facility on behalf of any
13 homeowner in Springfield Estates or on behalf of the HOA in the last 10 years.

14 **RESPONSE: Objection, unduly burdensome, attorney work product and attorney**
15 **client privilege. Without waiving this objection, Plaintiffs have no personal**
16 **knowledge of which Springwood Estates' residents had their water tested as has**
17 **no test reports other than as voluntarily produced by Rainier or WUTC in**
18 **discovery in this case.**

19
20 **INTERROGATORY NO. 20:** Please set forth in detail, including the name, dates,
21 location, subject matter, and contents, all communications you had with any other
22 homeowner or the HOA relating to water quality or cleanliness issues in Springwood
23 Estates.

1 **ANSWER:** Objection, vague, ambiguous, irrelevant, unduly burdensome.
2 Without waiving objection, see Exhibit 14, communication reported between HOA
3 President Sheri Mennitto and Bob Blackman. See Exhibit 15, Facebook posting in
4 the private Springwood Residence Community page regarding “brown water” or
5 “Rainier View Water Company.”

6 **REQUEST FOR PRODUCTION NO. 10:** Please produce a copy of any all documents,
7 including, but not limited to emails, newsletters, texts, correspondence from any
8 homeowner in Springfield Estates and/or the HOA concerning water contamination,
9 water quality, and/or Defendant.

10
11 **RESPONSE:** Objection, vague, and ambiguous. Assuming the question asks for
12 communications to plaintiff from other Springwood Estate residents, see Exhibit
13 15.

14
15 **INTERROGATORY NO. 21:** Please identify any appraisals or other valuations or
16 assessments related to the value of your house or property that have occurred from the
17 date of purchase to present, including the date, name of person and company that
18 performed the evaluation, and what the value of your house or property was determined
19 to be.

20 **ANSWER:** None.

21 **REQUEST FOR PRODUCTION NO. 11:** Please produce a copy of any all appraisals
22 done on your home.

23 **RESPONSE:** None.
24
25

1 **INTERROGATORY NO. 22:** Please identify each instance that you performed or hired a
2 person or entity to perform any maintenance or repairs to your home related to your
3 plumbing fixtures and/or pipework, including inspection or replacement of pipes,
4 plumbing, water heaters, water lines, pressure reduction valves, fittings, and/or fixtures
5 and identify why you initiated repairs and the results of any such repairs.

6 **ANSWER:** See Exhibit 4.

7
8 **REQUEST FOR PRODUCTION NO. 12:** Please produce a copy of any all documents,
9 including, but not limited to receipts, invoices, payments, credit card statements or
10 emails, for any replacement, maintenance, or repairs or replacement to your home
11 related to your plumbing fixtures and/or pipe work, including inspection or replacement
12 of pipes, plumbing, water heaters, waterlines, pressure reduction valves, fittings, and/or
13 fixtures performed by any person or entity since you purchased the home.

14 **RESPONSE:** See Exhibit 4, Exhibit 5 and Exhibit 6.

15
16 **INTERROGATORY NO. 23:** Please identify with specificity the facts supporting and
17 itemized as fully as possible, all losses, expenses, special and general damages,
18 economic and non-economic, which are you are claiming were incurred by you as a
19 result of the allegations contained in your complaint. Please include all claimed
20 property damage, diminution of property value, medical expenses, loss of past and
21 future income, pain, suffering and emotional distress.

22 **ANSWER:**

23 **Economic Losses**

- 24 **1. The difference in value between normal, potable water and the**
25 **contaminated water provided by Rainier;**

2. Purchase of bottled, replacement water for drinking and cooking;
 3. Replacement of toilet, washing machine, and dishwasher;
 4. Repair of water heater;
 5. Time spent investigating and researching water problems prior to hiring counsel;
 6. Legal fees and costs as may be recoverable under CPA;
 7. Increased cost of double washing and rinsing clothes;
- Investigation and discovery is continuing.

Medical Issues

Daughter has suffered repeat ear infections and skin rashes. Investigation and discovery continuing as to whether this is related to showering in contaminated water. Gretchen Hand has been diagnosed with an immune deficiency disorder. Investigation and discovery are continuing as to whether this is related to exposure to contaminated water.

General Damages

Contaminated water is a constant irritation and anxiety. The water company charges full rate for substandard water that its own officers and employees would not drink.

INTERROGATORY NO. 24: Have you ever suffered from mental anguish, emotional distress, or other similar or related conditions prior to your experience with the water contamination as described in the complaint? If so, (a) describe each such condition;

1 (b) state the dates you suffered from it; and 3) state the names and addresses of all
2 hospitals, medical providers, mental health care providers, therapists, counselors, or
3 others from whom you received any treatment for each condition.

4 **ANSWER: Objection, irrelevant, unduly burdensome, invasion of privacy.**

5
6 **INTERROGATORY NO. 25:** Please set forth in detail all injuries, pain, and suffering you
7 claim you have suffered as a proximate result of the allegations contained in the
8 Complaint you attribute to the Defendant and state the facts upon which you rely in
9 making these claims, including, but not limited to, symptoms you attribute to bodily
10 injury and emotional distress, and for each symptom, identify how often you experience
11 it and the names and addresses of all hospitals, medical providers, mental health care
12 providers, therapists, counselors, or others from whom you have received any treatment
13 for the symptom.

14 **ANSWER: Plaintiffs have experienced serious stress, anger, worry, frustration,**
15 **anxiety, and inconvenience researching, investigating, and having to live with**
16 **contaminated water for which Rainier charges full price. Rainier's failure to**
17 **timely and fairly respond to their inquiries makes it worse. Plaintiffs have**
18 **experienced inconvenience and stress purchasing and hauling bottled water to**
19 **their home multiple times a month.**

20 **Gretchen Hand was recently diagnosed with an auto-immune disease**
21 **which has caused a myriad of symptoms including pain and loss of motor control**
22 **including impaired walking. This has required her to take a medical leave of**
23 **absence from her job as a manager at BJs Brewhouse Restaurant in Tacoma.**
24 **Investigation and discovery are continuing to determine whether there is a causal**

1 connection between Gretchen's medical condition and consumption of water with
2 high levels of manganese.

3
4 **INTERROGATORY NO. 26:** List the names and addresses of all health care providers
5 including, but not limited to, doctors, osteopaths, chiropractors, psychologists, or
6 healers, who treated you in the last ten years prior to this incident, and the nature and
7 dates of treatment

8 **ANSWER:** Objection, irrelevant, invasion of privacy, unduly burdensome.

9
10 **INTERROGATORY NO. 27:** Please set forth the names, addresses and telephone
11 numbers of each person that you or your attorneys or agents have contacted as an
12 expert witness, and whom you expect to call as an expert witness at trial, including, but
13 not limited to, the substance of the facts and opinions to which each expert is expected
14 to testify and a detailed summary of the grounds for each expert opinion.

15 **ANSWER:** Objection, violative of attorney-client and work product privilege,
16 irrelevant. Without waiving objections, plaintiffs will disclose experts in
17 accordance with case schedule published by court.

18
19 **REQUEST FOR PRODUCTION NO. 13:** For each of your experts, please produce the
20 expert's CV, documents relied on and documents provided to each of your experts, and
21 draft reports and reports from each of your experts.

22 **RESPONSE:** See answer to Interrogatory No. 27.

1 **INTERROGATORY NO. 28:** Please identify every person who you believe may have
2 any knowledge regarding the facts and circumstances surrounding the claims asserted
3 by you in this lawsuit or the injuries or damages that you allege in your Complaint,
4 including the subject matter of that person's knowledge and whether they have made
5 any written or recorded statements. Please also provide the address and telephone
6 number of any individual identified.

7 **ANSWER:** The plaintiff and her family residing in the home have personal
8 firsthand knowledge. Some of plaintiffs' neighbors have voiced similar
9 complaints on Facebook as shown in the exhibits. The WUTC and Rainier have
10 knowledge of facts as set forth in their records produced in discovery.

11
12 **REQUEST FOR PRODUCTION NO. 14:** Please produce any and all personal journals,
13 diaries, logs, memoranda, notes or records kept by you that refer or relate to the
14 incident alleged in your Complaint and/or the injuries or damages you allege you
15 sustained.

16 **RESPONSE:** Plaintiffs have no such documents.

17
18 **INTERROGATORY NO. 29:** Describe with specificity and detail all communications or
19 correspondence between you and the Washington Utilities and Transportation
20 Commission, the State of Washington Department of Health, or the Tacoma Pierce
21 County Health Department.

22 **ANSWER:** Objection, irrelevant, unduly burdensome, violative of attorney work
23 product privilege. Without waiving these objections, plaintiffs' communications
24
25

1 with WUTC are included in documents produced by WUTC which have been
2 forwarded to Rainier. Plaintiffs did not communicate with DOH.

3
4 **REQUEST FOR PRODUCTION NO. 15:** Please produce any and all documents
5 including complaints, findings, results, tests, test results, statements, testimony,
6 photographs, correspondence, emails, findings, determinations, and/or investigations
7 sent, received, written by, and/or conducted by you, or any other facility or party related
8 to the Tacoma Pierce County Health Department, State of Washington Department of
9 Health, and Washington Utilities and Transportation Commission.

10 **RESPONSE:** Objection, irrelevant, unduly burdensome, violative of attorney work
11 product privilege. Without waiving these objections, plaintiffs' communications
12 with WUTC are included in documents produced by WUTC which have been
13 forwarded to Rainier. Plaintiffs did not communicate with DOH.

14
15 **REQUEST FOR PRODUCTION NO. 16:** Please produce any and all complaints, tests,
16 test results, statements, photographs, correspondence, emails, and/or investigations
17 written by, and/or conducted by you, sent and/or received by you to Defendant
18 regarding the allegations contained in the Complaint.

19 **RESPONSE:** Investigation and discovery is continuing to determine whether
20 anything exists other than the documents referenced in Rainier's Complaint Log
21 (Exhibit 7) and produced by WUTC.

22
23 **REQUEST FOR PRODUCTION NO. 17:** Please produce copies of all correspondence,
24 including letters, emails, text messages, or written notes that you have sent or received

1 concerning water contamination, your lawsuit, or any of your alleged injuries or
2 damages that are in the possession of you, your attorney, or anyone acting on your
3 behalf that are not attorney-client privileged.

4 **RESPONSE: Objection, vague and ambiguous, duplicative, unduly burdensome,**
5 **violative of work product and attorney-client privilege.**

6 **REQUEST FOR PRODUCTION NO. 18:** Please produce any and all documents that
7 support all losses, expenses, special and general damages, economic and non-
8 economic, which are you are claiming were incurred by you as a result of the incident
9 alleged in the Complaint.

10 **RESPONSE: See exhibits.**

11
12 **REQUEST FOR PRODUCTION NO. 19:** Please produce a copy of your Facebook
13 account in .zip file format, including, but not limited to, all wall posting in which you discuss,
14 comment, or share your activities you participated in from January 1, 2005 through the
15 present. [This can be accomplished on the Facebook website by going to Account,
16 selecting Account Settings, and then clicking the “learn more” link on the line that states
17 “Download Your Information.” Follow the directions contained on that page and provide
18 the resulting .zip file via e-mail, CD / DVD, or thumb drive, as you prefer. If you choose
19 one of the latter options for production and would like a CD / DVD or thumb drive provided
20 to you, please advise and one will be provided by the undersigned.]

21 **RESPONSE: Object to producing the contexts, photographs, videos, text, URL**
22 **links, friend database, data or metadata regarding plaintiffs’ personal Facebook**
23 **account as it is irrelevant to the facts of this case and an invasion of privacy.**
24 **Plaintiffs’ communications on the private Springwood Residence community**

1 Facebook page regarding “brown water” or “rainier view water company” are
2 attached as exhibit.

3 **REQUEST FOR PRODUCTION NO. 20:** Please produce all additional documents and
4 tangible items responsive to Defendant’s First Set of Interrogatories and Requests for
5 Production of Documents to Plaintiff and/or which support the allegations in the
6 Plaintiffs’ Complaint that have not already been produced. **NOTE: DEFENDANT WILL**
7 **MOVE AT TRIAL TO EXCLUDE AS EVIDENCE ANY DOCUMENT OR TANGIBLE**
8 **THING WHICH IS NOT IDENTIFIED OR PRODUCED IN PLAINTIFFS’ ANSWERS**
9 **AND RESPONSES TO DEFENDANT’S FIRST SET OF INTERROGATORIES AND**
10 **REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFFS.**

11 **RESPONSE:** Objection, vague, ambiguous, unduly burdensome, and irrelevant.
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PARTY VERIFICATION OF DISCOVERY RESPONSES

I, Sarah Hand, do hereby declare that I have reviewed my answer to **DEFENDANT'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS** which I certify are true and correct under penalty of perjury under the laws of the state of Washington.

Signed at Spanaway, Washington this 19 day of June, 2017.

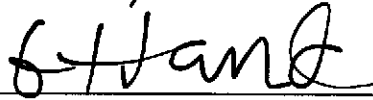


Print name: Sarah Hand

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PARTY VERIFICATION OF DISCOVERY RESPONSES

I, Gretchen Hand, do hereby declare that I have reviewed my answer to **DEFENDANT'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS** which I certify are true and correct under penalty of perjury under the laws of the state of Washington.

Signed at Spanaway, Washington this 19 day of June, 2017.



Print name: Gretchen Hand

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ATTORNEY CERTIFICATION OF DISCOVERY RESPONSES

Pursuant to CR 26 (g), the Attorney hereby certifies that he or she has read the discovery requests, responses and objections, and that to the best of his or her knowledge, information and belief formed after a reasonable inquiry they are:

- (1) consistent with these rules and warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law;
- (2) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and
- (3) not unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount of controversy, and the importance of the issue at stake in the litigation.

Dated this 22 day of June, 2017.



NIGEL S. MALDEN, WSBA#15643
Nigel Malden Law, PLLC
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I, Anna Lee, do hereby declare that this 22th day of June, 2017, I forwarded a true and correct copy of *PLAINTIFF SARAH HAND and GRETCHEN HAND'S RESPONSES TO DEFENDANT RAINIER VIEW WATER COMPANY, INC.'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION* by electronic service to parties listed below:

Counsel for Plaintiffs, Sarah Hand and Gretchen Hand:

NIGEL MALDEN LAW, PLLC

Nigel Malden (attorney), nm@nigelmaldenlaw.com
Anna Lee (paralegal), anna@nigelmaldenlaw.com

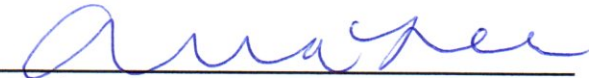
Counsel for Defendant, Rainier View Water Company, Inc.

PREG O'DONNELL & GILLETT, PLLC

Eric P. Gillett (attorney), EGillett@pregodonnell.com
Daniel W. Rankin (attorney), drankin@pregodonnell.com
Holly Simmelick (legal assistant), hsimmelink@pregodonnell.com
Tia Uy (legal assistant), tuy@pregodonnell.com

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

DATED: This 22nd day of June, 2017.



Anna Lee
Paralegal to Nigel S. Malden