



FILED
LEWIS COUNTY

2022 APR 18 PM 12:46

SUPERIOR COURT
CLERK'S OFFICE

Honorable Judge James W. Lawler

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

SCOTT HAMILTON, as guardian ad
litem for Z.H.,

Plaintiffs,

v.

FRANKLIN L. SMITH, Personal
Representative of the ESTATE of
LAURA HAMILTON,

Defendants.

NO. 20-2-00543-21

**SUPPLEMENTAL DECLARATION OF
R. PIERCE RAND IN SUPPORT OF
DEFENDANT HAMILTON'S MOTION
TO EXCLUDE PLAINTIFFS' EXPERT
DR. FREEMAN AS A DISCOVERY
SANCTION**

I, R. Pierce Rand, am over the age of 18 and competent to testify. I am one of the attorneys representing the Estate of Laura Hamilton in this matter and make this declaration based on personal knowledge and hereby declare as follows:

1. Attached as Exhibit 1 is a true and accurate copy of email correspondence to Plaintiffs' counsel regarding Dr. Grimm, dated April 14, 2022.

2. Attached as Exhibit 2 is a true and accurate copy of email correspondence to Plaintiffs' counsel regarding Dr. DeMott, dated April 8, 2022.

3. To date, four of Defendant Hamilton's key liability experts have been deposed: Dr. Scher (neurology), Dr. DeMott (OBGYN), Ms. Browder (midwife), and Dr. Grimm (biomechanical engineer).

SUPPLEMENTAL DECLARATION OF R. PIERCE RAND IN SUPPORT
OF DEFENDANT HAMILTON'S MOTION TO EXCLUDE PLAINTIFFS'
EXPERT DR. FREEMAN AS A DISCOVERY SANCTION - 1

Johnson Graffe Key
Moniz & Wick LLP
925 Fourth Ave., Ste. 2300
Seattle, WA 98104
(206) 223-4770

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4. Defendant Hamilton will not be submitting her own life care plan in this lawsuit.

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

DATED this 17th day of April 2022, at Seattle, Washington.

s/ R. Pierce Rand

R. Pierce Rand, WSBA#49736

CERTIFICATE OF SERVICE

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I declare that on the date below I sent this *Supplemental Declaration of R. Pierce Rand in Support of Defendant Hamilton's Motion to Exclude Plaintiffs' Expert Dr. Freeman as a Discovery Sanction* to be filed with the Clerk of the Court, and that I served the same on the following parties of record in the manner described:

Simeon J. Osborn, Esq., WSBA#14484
Susan Machler, Esq., WSBA#23256
Austin Neff, Esq., WSBA#57059
Osborn Machler
2025 First Avenue, Suite 1200
Seattle, WA 98121
Phone: (206) 441-4110
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sosborn@osbornmachler.com
smachler@osbornmachler.com
aneff@osbornmachler.com
Attorneys for Plaintiffs

Via Email

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

EXECUTED this 17th day of April 2022, at Seattle, WA.

/s/Monica M. Welch
Monica M. Welch, Legal Assistant

Exhibit 1

Pierce Rand

From: Donna Moniz
Sent: Thursday, April 14, 2022 1:01 PM
To: Susan Machler; Jenine Michaelis
Cc: Jennifer Sproul; Pierce Rand; Monica Welch
Subject: Hamilton dep of Dr. Grimm and Dr. Robert Allen

Susan,

As you know, we sent an updated CV and the additional reference Dr. Grimm mentioned during her deposition. If you would like another deposition of her for a half hour or so to discuss, she will make herself available.

Likewise, we would like to complete the deposition of Dr. Robert Allen to address what he did not disclose. This included six years worth of prior cases which he has but did not send and the actual references he will rely on. He also apparently has an updated list of references which he did not supply. Please limit the list and copies to what he actually will rely on.

I look forward to hearing from you as to whether you will make him available to complete his deposition with materials provided well in advance and whether you wish to discuss Dr. Grimm's article with her in another deposition.

Donna
Donna M. Moniz



925 Fourth Avenue, Suite 2300
Seattle, WA 98104
Phone: (206) 223-4770
Fax: (206) 386-7344

Exhibit 2

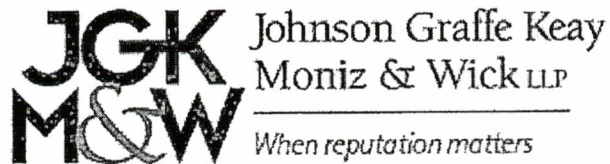
Pierce Rand

From: Pierce Rand
Sent: Friday, April 8, 2022 10:43 AM
To: Susan Machler
Cc: Jenine Michaelis; Austin Neff; Donna Moniz
Subject: RE: Dr. DeMott's prior testimony

Hi Susan,

My understanding is that he does not. You can confirm with Dr. DeMott during his deposition.

Pierce Rand
Attorney



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THIS EMAIL MAY BE PROTECTED BY THE ATTORNEY-CLIENT AND/OR ATTORNEY WORK PRODUCT PRIVILEGE.

From: Susan Machler <Smachler@osbornmachler.com>
Sent: Friday, April 8, 2022 10:31 AM
To: Donna Moniz <monizd@JGKMW.com>; Pierce Rand <randp@JGKMW.com>
Cc: Jenine Michaelis <jmichaelis@osbornmachler.com>; Austin Neff <ANeff@osbornmachler.com>
Subject: Dr. DeMott's prior testimony

Donna:

Dr. DeMott provided a list of testimony from December 2016 – April 2019. Does he have a list of cases after April 2019?

Thanks!

Susan

Susan Machler
Osborn Machler
2025 First Avenue, Suite 1140**
Seattle, WA 98121
206-441-4110

****Please note that as of 02/01/2022 our suite number changed from 1200 to 1140.**

