

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

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
FOR PACIFIC COUNTY

BEACON CHARTERS AND RV )  
PARK, LLC, FKA BEACON RV PARK )  
Plaintiff, )  
v. )  
LAWRENCE BERGQUIST, )  
and all other occupants, 332 Elizabeth Av SE )  
space 40, Ilwaco, WA 98624; )  
Defendants. )

Case No. 22-2-00135-25  
DECLARATION IN SUPPORT OF  
RESPONSE IN OPPOSITION TO  
DEFENDANT’S MOTION  
FOR PRELIMINARY INJUNCTION

I, Robert S Phed, declare as follows:

1. I am one of the attorneys for Plaintiff in this action and am familiar with the circumstances of this case.
2. On October 26, 2022 I received electronically scanned copies in pdf format of the following declarations:
  - a) Declaration of Michael Werner (3 pages)
  - b) Declaration of Matt Gagliasso (2 pages )
  - c) Declaration of Lelain Rabi (3 pages)
  - d) Declaration of James Schram (3 pages) - Received on August 11, 2022. Declaration of

1 James Schram is incorporated herein for all purposes in support of Plaintiff's response to  
2 Defendant's motion for preliminary injunction.

3 e) Declaration of Craig Hawkinson (2 pages) - received on October 27, 2022.

4 3. I have examined the documents and found them to be complete and legible.

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

7 Signed at Vancouver WA , on October 27, 2022

8 /s/ Robert S Phed

9 \_\_\_\_\_

10 Robert S Phed, WSBA # 42399

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

**CERTIFICATE OF SERVICE**

I hereby certify that on October 28, 2022, I served the foregoing Declaration on the party(s) listed below by the method described below:

- Facsimile**
  
- U.S. Mail, postage prepaid**  
Last known address:  
Sebastian Miller, WA AAG  
Washington State Attorney General  
800 Fifth Avenue, Suite 2000  
Seattle WA 98104
  
- Hand delivered in Court:**

DATED: October 28, 2022

/s/ Robert S Phed

---

Mark G. Passannante, WSBA#25680  
Robert S. Phed, WSBA# 42399  
Of Attorneys for Plaintiff

FILED  
2022 AUG 17 PM 12:24  
VIRGINIA LEACH CLERK  
PACIFIC COUNTY WA  
BY \_\_\_\_\_ DEPUTY

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

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
FOR PACIFIC COUNTY

STATE OF WASHINGTON )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BEACON CHARTERS AND RV PARK, )  
 )  
LLC, a Washington limited liability company) )  
DEER POINT MEADOWS INVESTMENTS) )  
LLC, a Washington limited liability company) )  
RV INN STYLE, LLC, a Washington limited) )  
liability company; MICHAEL J. WERNER, II) )  
individually and as part of the marital )  
community comprised of MICHAEL J. )  
WERNER, II and DENISE L. WERNER; )  
and DENISE L. WERNER, individually and )  
as part of the marital community comprised )  
of MICHAEL J. WERNER, II AND DENISE) )  
L. WERNER, )  
Defendants. )

Case No. 22-2-00179-25  
DECLARATION OF JAMES SCHRAM  
IN SUPPORT OF A  
RESPONSE IN OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION

I, James Schram, declare as follows:

1. I am one of the owners of SCHRAM BROTHERS EXCAVATING LLC, a Washington Limited Liability Company.
2. Schram Brothers Excavating, LLC ("the Company") is duly licensed, bonded and insured to operate in the State of Washington.

1           3. The Company is standing by to begin work on the Beacon RV Park (“Beacon”), which  
2 includes extensive trenching for the removal of the power, water, storm and sewer lines.

3           4. The scope of work contemplated by the project at Beacon requires approximately 60 days  
4 to completion.

5           5. The Company was scheduled to start work on the Beacon project in July of 2022. Because  
6 the project is now delayed by the continued presence of residents on site, the time line of the  
7 completion of the project is now being pushed into the rainy months in the fall of 2022.

8           6. Completing the project during the rainy months will exponentially increase its cost and  
9 difficulty. The low water tables on site would require constant pumping of the water out, which in  
10 turn requires additional piping and operation of pumps throughout the property, creating additional  
11 hazards for any remaining residents on site.

12           7. The project cannot be completed safely with any residents present because the project  
13 required digging and leaving open multiple trenches up to 12 feet deep, with no way to secure the  
14 work site safe if the residents are permitted to stay on site.

15           8. Because the project requires removal of the in-ground utilities, there is no possible way  
16 to provide remaining residents with water, sewer and electricity for the duration of the project.

17           9. The entirety of the Beacon RV Park must be vacant in order for the Company to safely and  
18 completely perform its job. There is no other alternative to successfully and safely completing the  
19 project with residents remaining on site.

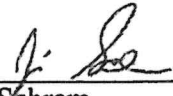
20 //  
21 //  
22 //  
23 //  
24 //  
25 //  
26 //

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

10. I have been in the business of trenching and utilities removal for over 37 years and I am competent to make the above statements about the project, its impact on the remaining residents and the availability of alternative methods of completing the project.

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

Signed in Vancouver WA, on August 10, 2022

  
\_\_\_\_\_  
James Schram

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

**CERTIFICATE OF SERVICE**

I hereby certify that on August 11, 2022, I served the foregoing Declaration on the party(s) listed below by the method described below:

**Facsimile**

**U.S. Mail, postage prepaid**  
Last known address:

Sebastian Miller, WA AAG  
Washington State Attorney General  
800 Fifth Avenue, Suite 2000  
Seattle WA 98104

**Hand delivered in Court:**

DATED: August 11, 2022

*/s/ Robert S. Phed*

\_\_\_\_\_  
Mark G. Passannante, WSBA #25680  
Robert S. Phed, WSBA# 42399  
Of Attorneys for Defendants