

EXPEDITE  
 Hearing is set:  
Date: September 6, 2024  
Time: 9:00 a.m.  
Judge/Calendar: Hon. Anne Egeler

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF THURSTON**

SAVE THE DAVIS-MEEKER GARRY OAK,

Plaintiff,

vs.

DEBBIE SULLIVAN, in her capacity of Mayor  
of Tumwater,

Defendant.

**NO. 24-2-01895-34**

**DECLARATION OF JEFFREY S.  
MYERS RE AMOUNT OF  
SUPERSEDEAS BOND**

I, Jeffrey S. Myers, hereby states and declares as follows:

1. I am the attorney for Defendant Mayor Debbie Sullivan, who has been sued in her official capacity and the City of Tumwater in the above entitled matter. I am over the age of 18, am competent to testify herein, and make this declaration based upon personal knowledge.

2. I previously filed a declaration in this matter detailing the amount of attorney’s fees incurred in obtaining orders dissolving the temporary restraining order (TRO) that the plaintiff wrongfully obtained in this matter. My request for fees did not include additional fees already incurred in this matter during the months of June, July and August to address the appeal brought by plaintiffs in Division Two of the Court of Appeals. In addition to the \$13,003.00 incurred to dissolve the TRO, the City has incurred another \$18, 353.88 in fees during June-August 2024 to respond to the appeal. This does not include time

1 for work in progress spent after August 24, 2024 which has not yet been billed to the City as of today's  
2 date.

3 3. In order to defend this appeal, the city will incur future attorney's fees to brief and rebut  
4 the issues raised on appeal. An appeal to the Supreme Court is likely whichever party prevails in the Court  
5 of Appeals. I estimate that the amount of time necessary will be approximately 100 hours, some of which  
6 will be billed at associate rates and the majority of which will be billed at partner rates. I estimate that the  
7 total future attorney's fees will be \$25,000.00.

8 4. Attached hereto as **Exhibit A** is a true and correct copy of a letter I wrote to James Macrae  
9 of the Department of Archeology and Historic Preservation dated

10 5. Our firm specializes in municipal law and tort defense. One of my partners, Elizabeth  
11 McIntyre is defending a negligence case filed against the Washington State Department of Transportation  
12 in Cowlitz County Superior Court where, on April 13, 2022, a tree fell and struck a passing vehicle on an  
13 adjacent roadway, resulting in the death of the vehicle's sole occupant, a 54 year old male. The tort claim  
14 filed by the decedent's estate seeks \$11,000,000.00 in damages. A true and correct copy of the relevant  
15 pages of the tort claim filed by the estate of Edward J. Norton is attached as **Exhibit B**.

16 Dated this 28<sup>th</sup> day of August 2024 at Tumwater, Washington.

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18  
19  
20  
21   
22 Jeffrey S. Myers, WSBA #16390

# Exhibit A

