

12-1-1972

Docket Entry 157 - Filed Affidavit of Stuart F. Pierson

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FILED

DEC 1 1 10 PM '72

UNITED STATES DISTRICT COURT CLERK
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE W.D. OF WASHINGTON

BY

cu

DEPUTY CLERK

1 UNITED STATES OF AMERICA, et al)

2 Plaintiffs,)

3 v.)

NO. 9 2 1 3

4 STATE OF WASHINGTON, et al,)

AFFIDAVIT

5 Defendants.)

6 STATE OF WASHINGTON)

ss

7 COUNTY OF KING)

8 STUART F. PIERSON, being first duly sworn, on

9 oath deposes and says:

10 1. I am an Assistant United States Attorney in the
11 office of Stan Pitkin, United States Attorney for the
12 Western District of Washington. As such, I have been
13 assigned to handle the case for the United States in United
14 States v. the State of Washington, No. 9213, Western District
15 of Washington; and I have been designated by the Court as
16 plaintiffs' liaison counsel in that case.

17 2. Neither I nor any of the plaintiffs' attorneys
18 have received formal or informal requests for extension of
19 time from the Game defendants to answer our Interrogatories
20 of August 18 and 25, 1972.

21 3. A meeting of plaintiffs' counsel was held on
22 November 21, 1972, in my office to discuss the delay in
23 preparation for trial occasioned by the Game defendants'
24 failure to answer our Interrogatories, to file memoranda in
25 opposition to our motions to strike affirmative defenses and
26 to file their putative motion for summary judgment. It was
27 concluded, with some frustration, by all counsel, that our
28 discovery and preparation for trial at least as to the Game
29 defendants were stalled completely. During this meeting it
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157

1 was agreed that we would bring on the motions to which this
2 affidavit is attached and request the specific dates and
3 hearings specified in the attached motions.

4 4. None of the plaintiffs' counsel has received the
5 defendants' status report to the Court due on October 15,
6 1972.

7 5. It is my recollection that at the pretrial con-
8 ference on May 25, 1972, counsel for the Game defendants
9 indicated that their motion for summary judgment and memoranda
10 in opposition to motions to strike their affirmative defenses
11 would be filed within six weeks.

12 6. None of plaintiffs' counsel have received defend-
13 ants' memoranda in opposition to our motions to strike
14 affirmative defenses or their motion for summary judgment.

15 7. At the meeting of plaintiffs' counsel on Novem-
16 ber 21, 1972, it was agreed that seven trial days was a
17 realistic estimate as discovery currently stands.

18 8. At a meeting of counsel regarding another case,
19 I expressly told counsel for the Game defendants, J. L.
20 Coniff, that plaintiffs would file the motions attached to
21 this affidavit if we had not received his answers to our
22 Interrogatories prior to November 28, 1972.

23 9. It is plaintiffs counsel's belief that a rigorous
24 and strict schedule through trial is absolutely necessary
25 to prevent further unnecessary and unexcused delays in the
26 progress of this case. Plaintiffs are immediately willing
27 to submit to such a rigorous schedule and it is apparent
28 that such a schedule is absolutely required to keep the
29 defendants moving toward trial.

30 
31 STUART F. PIERSON
32

Quart. Russo

SUBSCRIBED AND SWORN TO before me this 30th day of
November, 1972.

Robert C. Princi
Notary Public in and for the
State of Washington, residing
at Lynnwood.

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