

6-1-1973

Docket Entry 241 - Filed Defendants, Washington Department of Fisheries List of Witnesses

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FILED IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JUN 1 1973

EDGAR SCOFIELD, CLERK
Deputy

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Office of Clerk
U. S. District Court
Tacoma, Washington

1 SLADE GORTON
Attorney General
2 EARL R. MCGIMPSEY
Assistant Attorney General
3 Attorneys for Defendant
Department of Fisheries

4 Temple of Justice
5 Olympia, WA 98504.

6 (206) 0758427 (TOLSON)
County of Thurston SS

7 The undersigned, being first duly sworn, on oath states: That on
8 this day a letter directed to the mails of the United States of America
a properly sealed and addressed envelope directed to the attorneys
of record of the plaintiff

9 a copy of the envelope upon which this affidavit appears.

10 SUBSCRIBED AND SWORN TO Before me this 31st
11 day of May, 1973.

Julie D. Jones
Paul R. [Signature]
Notary Public in and for the State of Washington
residing at Olympia
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

14 UNITED STATES OF AMERICA, et al.,)
15 Plaintiffs,)
16 v.)
17 STATE OF WASHINGTON, et al.,)
18 Defendants.)

CIVIL NO. 9 2 1 3
DEFENDANT WASHINGTON
DEPARTMENT OF FISHERIES'
LIST OF WITNESSES

20 COMES NOW the defendant Washington Department of Fisheries,
21 through its attorneys Slade Gorton and Earl R. McGimpsey, pursuant to
22 the stipulated pretrial order of April 24, 1973, and herewith submits
23 its list of witnesses which will testify at the trial in the above
24 entitled matter. This list does not include witnesses who may be
25 called to give testimony regarding economical or anthropological
26 issues raised by plaintiffs. Witnesses names appear in the order in
27 which they will testify...

28 1. Thor C. Tollefson, Director, Washington State Department
29 of Fisheries, will testify to the department's policy toward the
30 Indian fishery. His testimony will be submitted in writing before
31 trial. To the extent that his written testimony cannot be stipulated
32 to as the testimony he would give if called to testify directly in
33 court or is not agreed to by plaintiffs' responses to the defendants'

241

1 requests for admission, Mr. Tollefson will testify live in court. In
2 any event, he will be available for cross-examination in court.
3 Depending on the amount of his testimony which is agreed to, his live
4 testimony should take between one to two hours.

5 2. J. E. Lasater, Assistant Director for Operations, Washing-
6 ton State Department of Fisheries, will testify concerning the
7 biological and fisheries management issues stated in defendant's
8 statement of issues filed May 7, 1973. His testimony will be
9 directed toward explaining the regulatory, management and enforcement
10 policies and operations of the Department and rebutting plaintiffs'
11 testimony on these issues. He will further testify to a management
12 scheme by which the Department could assure plaintiff tribes of an
13 opportunity to fish for a fair share of the salmon resource within
14 the Department's regulatory jurisdiction. His direct testimony will
15 be submitted in writing before trial. To the extent that his written
16 testimony cannot be stipulated to as the testimony he would give if
17 called to testify directly in court or is not agreed to by plaintiffs'
18 responses to the defendants' requests for admission, Mr. Lasater
19 will testify live in court. In any event, it is anticipated that
20 there will be a need for some of his direct testimony to be live and
21 for cross-examination to be live. Depending on the amount of his
22 testimony which is agreed to, his live testimony may take between
23 several hours to several days.

24 3. Earle B. Jewell, Washington State Department of Fisheries,
25 will testify to the role of test fishing in fisheries management.
26 His testimony will be submitted in writing. To the extent that his
27 written testimony cannot be stipulated to as the testimony he would
28 give if called to testify directly in court or is not agreed to by
29 plaintiffs' responses to defendants' requests for admission, Mr.
30 Jewell will testify live in court. In any event, he will be avail-
31 able for cross-examination in court. Depending on the amount of his
32 testimony which is agreed to, his live testimony should take between
33 one to two hours.

1 DATED this 30th day of May 1973.

2 SLADE GORTON
3 Attorney General

4 

5 EARL R. MCGIMPSEY
6 Assistant Attorney General
7 Attorneys for Defendant
8 Department of Fisheries