

FILED

Honorable Timothy A. Bramblew
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KING COUNTY
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CASE NUMBER: 13-2-37021-2 SEA

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

INTEL-GE CARE INNOVATIONS LLC,
a Delaware limited liability company;
BONNIE NORMAN, a California resident;
and STEVE BACKERS, a California
resident,

Plaintiff,

v.

JAMES H. MORRISON, a Washington
resident,

Defendant.

Case No. 13-2-37021-2 SEA

**PLAINTIFFS' MOTION FOR
LIMITED EARLY DISCOVERY**

1 **I. RELIEF REQUESTED¹**

2 Plaintiffs Bonnie Norman, Steve Backers, and Intel-GE Care Innovations (“Care
3 Innovations”) seek an order allowing them to serve early subpoenas. CR 30 requires that
4 Plaintiffs seek leave of court to serve deposition subpoenas earlier than 30 days after
5 service of the summons and complaint. Defendant James H. Morrison violated this
6 Court’s temporary restraining order by traveling to California to harass Care Innovations
7 employees, including posting fliers in employee neighborhoods falsely claiming that Care
8 Innovations’ employees were sexual predators. But Care Innovations can only prove this
9 violation with third-party evidence.

10 Care Innovations would like to send subpoenas to airlines and car-rental
11 companies. If the Court does not grant the motion, there is risk that evidence may be lost.
12 In addition, with evidence Care Innovations can move the Court for a contempt order or
13 present evidence to law-enforcement officials who may be able to prevent Morrison from
14 harming Care Innovations employees. And there is no prejudice to Morrison if third
15 parties produce documents a couple weeks earlier than the rules provide by default. The
16 Court should allow subpoenas right away.

17 **II. STATEMENT OF FACTS**

18 **A. Morrison violated a temporary restraining order and now Care Innovations
19 needs third-party discovery so that it can move for a contempt order and
20 provide evidence to law-enforcement officers.**

21 This Court issued a temporary restraining order prohibiting defendant James
22 Morrison from harassing Care Innovations employees. (November 8, 2013 Declaration of
23 Derek Newman (“November 8, 2013 Newman Decl.”) at Att A.) But last weekend in
24 California, Morrison followed three Care Innovation employees—Ray Solone, Stan
25 Telson and Kenny Bailey—to their private homes. (November 8, 2013 Newman Decl. at
26 Att. B.) Morrison proceeded to distribute letter leaflets throughout each employees’
27 neighborhoods, identifying the employee by full name, picture and home address

28 ¹ Care Innovations simultaneously moves for an order shortening time in order to allow this Court to consider this motion for early discovery.

1 claiming that the pictured employee was a confirmed child predator. (Id.) Morrison
2 falsely represented that the letter was from Care Innovations “Vice President and General
3 Counsel, Edward Kleinhans.” (Id.)

4 The following is a true and correct copy of the leaflet left on Mr. Telson’s car and
5 distributed around his neighborhood:

6 Dear Neighbor,

7 Please be aware that we have a dangerous child predator living nearby.

8 During an unrelated investigation, a large number of images depicting graphic child pornography were
9 found on the computer of Stan Telson [REDACTED]

10 This has been reported to the authorities.

11 In the meantime, please take reasonable precautions if you have small children living with you or visiting
12 your home.



13 Picture of Stan Telson

14 Edward Kleinhans
15 Vice President, General Counsel, Intel-GE Care Innovations

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17
18
19 (November 8, 2013 Newman Decl. at Att. B.) Solone, Telson, Bailey,
20 Kleinhans—and their families—now fear that they will be attacked or harassed by others
21 in their communities, many of whom received the leaflets. (Id.) Several Care Innovations
22 employees have abandoned their homes fearing that Morrison will escalate his threats and
23 cause further damage. (Id.) Morrison has placed Care Innovations employees in
24 reasonable fear for their safety at the workplace and at home with their immediate
25 families.

26 **B. Morrison’s behavior is escalating and Care Innovations needs to move**
27 **quickly to protect its employees.**

28 This dispute started because Morrison was upset that he was banned from a car-

1 enthusiast blog for allegedly posting pornography. (October 30, 2013 Declaration of
2 Bonnie Norman (“October 30, 2013 Norman Decl.”) at ¶5.) He fixated on Plaintiff
3 Norman as the person responsible for his ban because she was one of several moderators
4 on the blog—even though she did not ban him, could not reinstate him, and told him he
5 would have to speak with others if he wanted to get back on the blog. (Id. at ¶¶ 4-5.)
6 From this tiny incident, Morrison began a campaign of harassment against Norman, her
7 boss Steve Backers, Care Innovations, and even Care Innovations’ Washington lawyers.
8 Morrison threatened to harm Norman’s career, created a website that mirrors the leaflets
9 he distributed in California claiming that Backers was a child predator (and falsely
10 attributed the website to Norman), threatened Care Innovations’ lawyers with career
11 harm and physically intimidated them, promised to “escalate” the dispute, visited one of
12 the lawyers’ homes, and sent a middle-of-the-night email containing only a residential
13 address later found to belong to a person with the same last name as one of the lawyers.
14 (Id.; *see also* October 30, 2013 Declaration of Jason Sykes; October 30, 2013 Declaration
15 of Derek Linke.)

16 Because of Morrison’s bizarre and escalating threats, Care Innovations has
17 retained corporate security experts and implemented a company-wide safety plan.
18 (Newman Decl. at 4.) Employees—and the lawyers—are not staying in their homes out
19 of fear that Morrison will strike. (Id.) Care Innovations would like to seek contempt
20 sanctions and notify law-enforcement authorities for Morrison’s latest round of harassing
21 behavior in California. But without evidence that Morrison traveled to California, Care
22 Innovations may not be able to satisfy its burden. And if there is a delay in obtaining this
23 evidence, Morrison may cause more harm.

24 III. STATEMENT OF ISSUES

25 Whether the Court should allow Care Innovations to subpoena airlines and rental-
26 car companies in the Sacramento area before CR 30(a) provides for open discovery.

27 IV. EVIDENCE RELIED ON

28 Plaintiff relies on the declarations of Derek Newman, Bonnie Norman, Steve

1 Backers, and Derek Linke, along with the Motion for a TRO, the Complaint, and the
2 other pleadings on file.

3 V. ARGUMENT & AUTHORITY

4 A. Standards for granting early discovery

5 CR 30(a) provides:

6 When Depositions May Be Taken. After the summons and a copy of the
7 complaint are served, or the complaint is filed, whichever shall first occur,
8 any party may take the testimony of any person, including a party, by
9 deposition upon oral examination. Leave of court, granted with or without
10 notice, must be obtained only if the plaintiff seeks to take a deposition prior
to the expiration of 30 days after service of the summons and complaint
upon any defendant or service made under rule 4(e).

11 The Court should grant leave for early depositions upon a showing of good cause.
12 Good cause exists where there is a possibility that further harm will occur without early
13 discovery. *U.S. CFTC v. Nat'l Inv. Consultants, Inc.*, 2005 U.S. Dist. LEXIS 42873 (N.D.
14 Cal. June 29, 2005)(allowing early discovery into the location of assets that might be
15 concealed.)²

16 Early discovery may prevent further harm. Morrison's obsession with Care
17 Innovations is irrational, and his conduct is escalating. He is upset that he was banned
18 from a blog, but Care Innovations had nothing to do with that ban. He has progressed
19 from starting a website accusing someone he has never met with being a child predator to
20 threatening attorneys and paying personal visits to their homes. Morrison further
21 escalated his harassment by traveling hundreds of miles across two states to post fliers
22 accusing other people he's never met and who have no connection to the blog he's upset
23 about of being child predators.

24 Morrison's escalating behavior is in spite of this Court's temporary restraining
25 order. Allowing Care Innovations to serve subpoenas confirming that it was Morrison
26 who traveled to California will enable Care Innovations to seek further relief and

27
28 ² This Court may rely on federal authority because Washington's rule is substantively identical to
Fed.R.Civ.P. 30. *Casper v. Esteb Enters.*, 119 Wn. App. 759, 767(2004).

1 hopefully finally stop Morrison's bizarre and harmful behavior.


2 **VI. CONCLUSION**

3 Morrison's behavior is extreme and risks severe irreparable damage to Plaintiffs.
4 Care Innovations has obtained a temporary restraining order that Morrison appears to
5 have ignored. Allowing Care Innovations to serve subpoenas on airlines and rental car
6 agencies will confirm that Morrison violated the Temporary Restraining Order and allow
7 Care Innovations to seek further relief.

8 Dated this 8th day of November, 2013.

9
10 Respectfully submitted,

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12 **NEWMAN DU WORS LLP**

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14 By: 
15 _____
16 Derek A. Newman, WSBA No. 26967
17 Derek Linke, WSBA No. 38314

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Attorneys for Plaintiffs.