

HONORABLE LONNIE R. SUKO

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ESTATE OF OTTO ZEHM, deceased, and  
ANN ZEHM, in her personal capacity and  
as representative of the Estate of Otto  
Zehm,

Plaintiffs,

v.

CITY OF SPOKANE, JIM NICKS, KARL  
THOMPSON, STEVEN BRAUN, ZACK  
DAHLE, ERIN RALEIGH, DAN TOROK,  
RON VOELLER, JASON UBERAGA, and  
THERESA FERGUSON, each in their  
personal and representative capacities,

Defendants.

NO. CV-09-80-LRS

DECLARATION OF  
RONALD VOELLER

I, RONALD VOELLER, declare under penalty of perjury, that the following is  
true and correct.

1. I make the following declaration based upon my own personal  
knowledge.

DECLARATION OF RONALD VOELLER - 1

HOWARD F. DELANEY, City Attorney  
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1           2.     I am employed as a police officer for the City of Spokane Police  
2 Department (SPD). I currently hold the rank of Senior Police Officer. I have been  
3 an officer for the SPD since August 2000.  
4

5           3.     I am a named defendant in this lawsuit.

6           4.     On March 18, 2006 I was assigned to the patrol division. While on  
7 duty that day, I responded to an emergency call for backup assistance by two  
8 police officers at a ZipTrip store. As soon as I got to the store I went to assist other  
9 officers who were struggling to obtain control of a suspect. I helped restrain the  
10 suspect. The suspect was continually struggling and fighting against our efforts to  
11 control him, and I ultimately helped apply leg restraints to him. Once he was in  
12 the leg restraints and handcuffs he was "hobbled."  
13  
14

15           5.     I was aware that the suspect's family could sue the City and/or the  
16 officers involved. There were many stories in the news about allegations the family  
17 and their lawyers were making against the City and the officers. I met with the  
18 City Attorney's Office as my attorney and was told they were my legal  
19 representative. I met with Assistant City Attorney Rocco Treppiedi to review the  
20 allegations made in letters from the family's lawyers, and then a claim for  
21 damages, and then the lawsuit.  
22  
23

24           6.     I received a subpoena from the U.S. Attorney to testify in front of the  
25 Grand Jury. I responded and testified truthfully and answered the questions to  
26 the best of my knowledge.  
27  
28

DECLARATION OF RONALD VOELLER - 2

**HOWARD F. DELANEY, City Attorney**  
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1           7.     The prosecutor at this time asked me how many times I had met with  
2 my lawyer and asked me the dates of our meeting. I was unsure of the dates and  
3 had to give an educated guess. I believe he asked me about what I reviewed with  
4 my attorney.  
5

6           8.     I received a second subpoena to testify by the U.S. Attorney in front of  
7 the Grand Jury. I responded and was told to sit in a waiting room at the U.S.  
8 Attorney's Office until I was needed.  
9

10          9.     Someone came out and advised they were ready for me. I assumed  
11 that meant to testify. I was then taken to a conference room in the U.S. Attorney's  
12 Office and asked to sit down at a table. I was introduced to three people in the  
13 room who stated they were investigators assigned to this case. I don't remember  
14 their titles or names.  
15

16          10.    I was advised by the investigators that there was new information on  
17 the case. They talked about how they knew about officer loyalties and taking care  
18 of each other (not exact wording). She implied she understood why officers were  
19 lying to help Karl Thompson but now was time to be truthful.  
20

21          11.    I was told I would be testifying again and this was a fresh start to be  
22 honest and truthful.  
23

24          12.    Bottom line: it was my impression that I was being told everyone,  
25 including me, was lying to cover up the incident, and today's testimony needed to  
26 be the correct one.  
27  
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DECLARATION OF RONALD VOELLER - 3

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1 13. I believed this meeting with the investigators was part of the  
2 subpoena process. I do not remember being told this was voluntary and I  
3 answered all their questions truthfully to the best of my knowledge.  
4

5 14. After this questioning, I was taken to the Grand Jury room and  
6 questioned by the prosecutor again. I answered the questions truthfully and to  
7 the best of my knowledge.  
8

9 15. I am not aware of a gag order from SPD to prevent me from speaking  
10 to an attorney of my choice or the Office of the City Attorney. In fact, the opposite  
11 is true.  
12

13 16. I object to a stay of this matter. I want to gather all facts necessary to  
14 defend myself and to bring a motion to dismiss. I want to get my name cleared  
15 from the allegations alleged against me in this lawsuit.  
16

17 DATED this 17 day of September, 2009.

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19 \_\_\_\_\_  
20 RONALD VOELLER  
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CERTIFICATE OF SERVICE

I hereby certify that on the 21<sup>st</sup> day of September, 2009, I electronically filed the foregoing "Declaration of Ronald Voeller" with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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