

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 LARRY BOWMAN

I, LARRY BOWMAN, 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 LARRY BOWMAN - 1

HOWARD F. DELANEY, City Attorney  
OFFICE OF THE CITY ATTORNEY  
5<sup>th</sup> Floor Municipal Building  
Spokane, WA 99201-3326  
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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 Detective and work in the Special  
3 Investigations Unit.

4  
5 3. In 2006, I participated in the investigation of the March 18, 2006  
6 events when asked by Detective Terry Ferguson to review reports and offer  
7 information about baton training and use of baton by officers dealing with Otto  
8 Zehm.

9  
10 4. One day in 2008, I spoke to Assistant City Attorney Rocco N.  
11 Treppiedi in passing about the claim against the City; he said he wanted to review  
12 my report with me in detail at his office in the near future, and I gave him my  
13 general schedule.

14  
15 5. A few days later, I received a subpoena from the U.S. Attorney's Office  
16 to testify before a Grand Jury. I was told by Lisa Janguard that I should not talk  
17 to anyone about the subpoena. Mr. Treppiedi contacted me afterwards and I told  
18 him I was directed not to talk to anyone about the case. He informed me that he  
19 did not hear about the subpoena or order, but that it would not include lawyers  
20 for the City or my own lawyer, and that he'd call the Chief's office to find out what  
21 was going on. He called me back and said I should talk to Assistant Chief Nicks. I  
22 spoke with Chief Kirkpatrick and Assistant Chief Nicks and was authorized to talk  
23 to Mr. Treppiedi about my report and any other matter involving my work in  
24 confidence with him as my attorney. I did so.  
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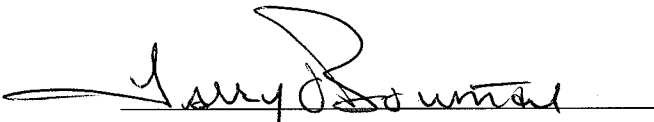
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6. When I testified before the Grand Jury, Assistant U.S. Attorney Timothy Durkin asked about my contact with Mr. Treppiedi. I responded by saying I had spoken to Mr. Treppiedi reference the civil action against the City of Spokane.

7. Mr. Durkin said that I would have to answer questions concerning his inquiry about my conversations with Mr. Treppiedi.

8. After being advised of the consequences of committing perjury, Mr. Durkin began asking questions about what I had discussed with Mr. Treppiedi. I advised Mr. Durkin that those discussions were confidential. He stated that they were not and said that I could answer his questions in the court room. After an extended time period in the witness chair, I was dismissed by Mr. Durkin.

DATED this 16 day of September, 2009.

  
LARRY BOWMAN

CERTIFICATE OF SERVICE

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I hereby certify that on the 21<sup>st</sup> day of September, 2009, I electronically

filed the foregoing "Declaration of Larry Bowman" 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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