

HONORABLE LONNIE R. SUKO

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8
9
10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON

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

NO. CV-09-80-LRS

15
16 Plaintiffs,

DECLARATION OF
JOSEPH WALKER

17 v.

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

23 Defendants.

24 I, JOSEPH WALKER, declare under penalty of perjury, that the following is
25 true and correct.

26
27 1. I make the following declaration based upon my own personal
28 knowledge.

DECLARATION OF JOSEPH WALKER - 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 Lieutenant. I am assigned to the
3 patrol division.
4

5 3. In March, 2006, I was a Sergeant in the patrol division. On March
6 18, 2006, I responded to an emergency call for assistance by police officers at the
7 ZipTrip store on North Division in Spokane, Washington. Several other officers
8 arrived before I did, and I did not have any physical contact with Mr. Otto Zehm. I
9 helped supervise the scene after his arrest.
10

11 4. Based on the allegations made by the Zehm estate in 2006, I have
12 believed since 2006 I could be named as a defendant in a suit filed against the
13 City and officers because I was a supervisor at the scene.
14

15 5. I have not been sued, but my name appears as a defendant in
16 paragraph 1.7 of the complaint and amended complaint.
17

18 6. I have conferred with the City Attorney's Office several times within
19 the attorney/client privilege since the letters from the Center for Justice and the
20 claim for damages and suit were filed.
21

22 7. I have testified twice to the Grand Jury pursuant to a subpoena from
23 the U.S. Attorney's Office. I was questioned both times by Assistant U.S. Attorney
24 Timothy Durkin about my conversations with my attorney, Rocco N. Treppiedi and
25 the City Attorney's Office.
26

27 8. I considered Mr. Durkin's actions to be an invasion of my right to
28 confer with my attorney.

DECLARATION OF JOSEPH WALKER - 2

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of September, 2009, I electronically filed the foregoing "Declaration of Joseph Walker" 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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