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SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

JAY P. MEHRING, a single person,

Plaintiff,

v.

CITY OF SPOKANE, a municipal corporation
in and for the State of Washington; ANNE
KIRKPATRICK, a single person; DAVID
OVERHOFF, a married person; and TROY
TEIGEN, a married person,

Defendants.

No. 09-2-05647-6

DECLARATION OF SHEILA OROPEZA

COPY

I, Sheila Oropeza, hereby declare under penalty of perjury under the law of the
State of Washington, that the following is true and correct.

1. I state the following based upon my personal knowledge.
2. I am employed by the City of Spokane Office of the City Attorney as an

Attorney Assistant.

DECLARATION OF SHEILA OROPEZA - 1

Howard F. Delaney, City Attorney
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3. Attached hereto as Exhibit A are true and correct portions of Dr.
Deanette Palmer's August 29, 2011 deposition transcript.

DATED this 5th day of October, 2011 in Spokane, Washington.



Sheila Oropeza

DECLARATION OF SHEILA OROPEZA - 2

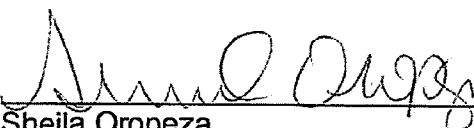
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DECLARATION OF SERVICE

I declare, under penalty of perjury, that on the 6th day of October, 2011, I caused a true and correct copy of the foregoing document to be delivered to the parties below in the manner noted:

| | |
|---------------------------|---|
| Robert A. Dunn | <input type="checkbox"/> VIA FACSIMILE |
| Susan C. Nelson | <input type="checkbox"/> VIA U.S. MAIL |
| Dunn & Black | <input type="checkbox"/> VIA OVERNIGHT SERVICE |
| Banner Bank Building | <input checked="" type="checkbox"/> VIA HAND DELIVERY |
| 111 North Post, Suite 300 | |
| Spokane, WA 99201 | |
| Attorney for Plaintiff | |


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DECLARATION OF SHEILA OROPEZA - 3

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EXHIBIT A

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

JAY P. MEHRING,
Plaintiff,

v. CASE NO. 09-2-05647-6

CITY OF SPOKANE, a municipal
corporation in and for the
State of Washington; and ANNE
KIRKPATRICK, a single person,

Defendants.

DEPOSITION OF DEANETTE L. PALMER, Ph.D., VOL. II
Monday -- August 29, 2011
Pages 101 to 207

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BE IT REMEMBERED that on the 29th day of August, 2011, at the hour of 11:06 a.m., Volume II of the deposition of DEANETTE L. PALMER, Ph.D., was taken before Michael S. Kuplack, Notary Public, CCR No. 2750 (WA) / CSR No. 744 (ID), at the law office of Etter McMahon, 618 W. Riverside Avenue, Suite 210, Spokane, Washington, pursuant to the Washington Rules of Civil Procedure.

A P P E A R A N C E S

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ALSO PRESENT:

Jay Mehring

1 **A. No.**

2 **Q. Okay. Mr. Dunn?**

3 **A. No.**

4 **MS. O'HARA: Thank you. Nothing further.**

5 **MS. NELSON: I have a few questions.**

6 **MS. O'HARA: Okay.**

7 **EXAMINATION**

8 **BY MS. NELSON:**

9 **Q. During the original portion of your**
10 **deposition, you testified that you have a working**
11 **relationship with the City of Spokane, correct?**

12 **A. Correct.**

13 **Q. Could you describe that relationship, please?**

14 **A. Well, up until April of this year, for the**
15 **past 22 years I have been the Police Department**
16 **psychologist. Until six years ago, I held a full-time**
17 **contract with them; they had a full-time psychological**
18 **services contract. That was lost in the City's big**
19 **round of budget cuts. Since that period of time, I've**
20 **held a Critical Incident Services contract with them.**

21 **Q. What happened in April of this year?**

22 **A. The contract has been in flux. There's been**
23 **some questions, because of this case, about whether or**
24 **not it's going to be renewed.**

25 **Q. And what were those questions? Do you have an**

1 understanding as to why they were questioning whether
2 or not it was going to be renewed?

3 A. All I'm aware of is that, because of my
4 involvement in Mr. Mehring's case, there is question
5 about whether or not it will be renewed as per the
6 City Attorney's office.

7 Q. And was that question put in writing anywhere?

8 A. There was an e-mail from the Chief indicating
9 that.

10 Q. Did you receive any other communications from
11 any City employees regarding your contract with the
12 City?

13 A. I had brief communications with Rocky
14 Treppiedi early on indicating that he was working on a
15 form of the contract that he thought would be
16 acceptable, and then those communications ceased.

17 Q. And you've had no further communications with
18 Rocky since then?

19 A. No.

20 Q. But you have had a written communication from
21 Chief Kirkpatrick herself?

22 A. Yes.

23 Q. Did you keep a copy of that written
24 communication?

25 A. I did.

1 Q. How would I go about obtaining a copy of that
2 communication?

3 MS. UNDERWOOD: Well, I'm going to object
4 because I've already objected because it is outside
5 the scope of this lawsuit, but -- So there's my
6 objection.

7 You can answer if you can.

8 A. I'm going to defer to my counsel on that.

9 Q. (BY MS. NELSON) And I understand that.

10 Do you believe that your participation in
11 this lawsuit has adversely affected your contract with
12 the City.

13 A. Definitely.

14 Q. Do you believe that you are being unfairly
15 targeted due to your involvement in this litigation?

16 A. Yes.

17 Q. Has this caused you a degree of stress?

18 A. Extreme.

19 Q. If the situation is not rectified and your
20 contract is not renewed, how will that affect your
21 practice?

22 A. Significantly.

23 MS. O'HARA: I'm going to object to all
24 these questions as being irrelevant to this lawsuit.
25 This entire last line of questions is irrelevant.

1 MS. NELSON: I need to think about this a
2 second. Give me a second to think if I have any
3 further questions. (Pause.)

4 Q. (BY MS. NELSON) Have you had any
5 communications with Ms. O'Hara regarding your
6 involvement in this lawsuit?

7 A. I have not.

8 Q. Other than Rocky, have you had any
9 communications with any City Attorney employees
10 regarding this lawsuit?

11 A. I have not.

12 Q. In your communication with Chief Kirkpatrick,
13 did she mention Detective Mehring's name directly?

14 A. She did not.

15 Q. Did she refer to pending or current civil
16 litigation?

17 A. She did.

18 Q. Are you involved in any other litigation that
19 involves the City, other than this case?

20 A. I'm not.

21 Q. So is there any doubt in your mind whatsoever
22 that that reference was referring to this civil
23 litigation?

24 MS. O'HARA: Objection. Leading, calls for
25 speculation.

1 Q. Okay. Do you remember talking to the Chief
2 about whether this would adversely impact your
3 relationship with the Police Department that you
4 testified in his criminal trial?

5 A. Yes.

6 Q. And did she assure you that it would not?

7 A. I believe so, but I don't recall the
8 correspondence at this point in time.

9 Q. Do you recall that she sent out an e-mail to
10 the whole Police Department, basically attempting to
11 explain that you had been subpoenaed and that the
12 Mehrings had chosen to call you as a witness and you
13 were responding to a subpoena?

14 A. We talked about her, her crafting that.

15 Q. And were you happy with that?

16 A. Yes.

17 Q. She was attempting to help you, to help your
18 relationship with other police officers who might not
19 have been happy that you testified, correct?

20 A. Yes.

21 Q. And you testified because you got a subpoena,
22 right?

23 A. Correct.

24 Q. You weren't, like, throwing yourself in there
25 voluntarily.

1 **A. Correct.**

2 Q. And a subpoena is an order from the Court,
3 right?

4 **A. Correct.**

5 Q. Okay. So, in all fairness to you, you were
6 put in a difficult position, and you recognized that,
7 because you had these patients that you give therapy
8 to, who wanted to use you in their criminal trial, and
9 things became a little complicated, correct?

10 **A. Yes.**

11 Q. Okay. Do you feel like you were unfairly
12 targeted by Chief Kirkpatrick regarding testifying in
13 the criminal trial?

14 **A. Testifying in the criminal trial had nothing
15 to do with the Department or the City.**

16 Q. Well, that's not my question. My question is,
17 did you feel that Chief Kirkpatrick did anything that
18 was negative or unfair or that you didn't like
19 regarding your testifying in that criminal trial?

20 **A. No.**

21 Q. Do you feel that she treated you fairly?

22 **A. Yes.**

23 Q. Okay. So I guess your beef with the Chief now
24 is that you are implying that she is not going to
25 renew the contract that you had in the past because

1 what?

2 MS. UNDERWOOD: Object to the form of the
3 question.

4 MS. NELSON: Same. Misstates prior
5 testimony.

6 MS. O'HARA: You don't like the word
7 "beef"?

8 **A. You're implying I have a beef with the Chief.**

9 Q. (BY MS. O'HARA) Yeah. I'm assuming you are,
10 based on your past questions.

11 **A. I said clearly that the issue was with the**
12 **City Attorney's office.**

13 Q. Okay. Well, let me go back, then. I thought
14 you said that you got some kind of e-mail from Chief
15 Kirkpatrick saying that, because of your involvement
16 in the Mehring case, whatever that means, what -- What
17 was in the e-mail? That's who I wrote down here.

18 **A. That the City Attorney's office --**

19 Q. Okay. Who in the City Attorney --

20 **A. -- was --**

21 Q. Okay.

22 **A. She didn't name anybody.**

23 Q. Sorry. I thought you were done. That the
24 City Attorney's office was what?

25 **A. Was balking at renewing my contract.**

1 Q. Okay. And then you've explained that she
2 didn't give you the names of any particular City
3 Attorneys.

4 A. No.

5 Q. I'm assuming she didn't give you my name.

6 A. I said she didn't give any names.

7 Q. Any names, okay.

8 Then you mention a Mr. Rocky Treppiedi, who
9 you know is a police legal adviser, right?

10 A. Yes.

11 Q. And I think you've probably known him for many
12 years.

13 A. I know him well.

14 Q. He would be the person in the City Attorney's
15 Office who would probably handle reviewing contracts
16 regarding police things of this nature, right?

17 MS. UNDERWOOD: Objection.

18 MS. NELSON: Objection. Calls for
19 speculation.

20 Q. (BY MS. O'HARA) If you know.

21 A. I don't know.

22 Q. Okay. Did you say that you did speak with
23 Rocky?

24 A. Rock and I e-mailed.

25 Q. Okay. And the substance was, what, that he

1 was looking at the contract, the form of it?

2 **A. That he was rewriting the form of it.**

3 Q. Okay. And did he make any mention of your
4 involvement in the Mehring matter?

5 **A. I don't recall.**

6 Q. Okay. And is "involvement in the Mehring
7 case," is that a direct quote from Chief Kirkpatrick?

8 **A. The Mehring case was not mentioned. A case in
9 litigation.**

10 Q. Okay. So whatever this e-mail was from the
11 Chief to you said something to the effect of, because
12 of your involvement in a case in litigation, the City
13 Attorney's Office is reevaluating your contract?

14 **A. Correct.**

15 Q. Okay. And when did this e-mail -- when was it
16 sent to you?

17 **A. Several months ago now.**

18 Q. When you got the e-mail, what did you do, if
19 anything?

20 **A. Wrote a note back to the Chief indicating that
21 I was willing to do what we needed to do to rewrite
22 the contract.**

23 Q. Okay. Did you ask her what was meant by
24 "involvement in current litigation"?

25 **A. No. What I said to her was that we both knew**

1 which case she was talking about.

2 Q. Okay.

3 A. And that I was willing to do what we needed to
4 do; that I was in a difficult position here.

5 Q. Okay. What do you perceive your difficult
6 position is?

7 A. I'm obviously caught between two worlds here.
8 I'm caught between my allegiance to the Department and
9 my allegiance to Mr. Mehring.

10 Q. Okay. And do you believe that somebody in the
11 City Attorney's office is at fault for that situation
12 that you feel you're in?

13 A. I didn't say anybody was at fault.

14 Q. I'm asking you if you believe that.

15 A. I don't believe that.

16 Q. What is the trap that you feel you're in?

17 MS. UNDERWOOD: I'm going to object because
18 I think we've gotten so far off course. This is
19 beyond C.R. 26, beyond anything having to do with what
20 this deposition --

21 MS. O'HARA: Right.

22 MS. UNDERWOOD: -- was set up to do.

23 MS. O'HARA: Well, and it started with
24 counsel for Mr. Mehring. So I would like to continue
25 on along these lines, and you can object, because she

1 opened this can of worms and now it's stinking up the
2 room.

3 MS. UNDERWOOD: I'll just ask for an
4 ongoing objection.

5 MS. O'HARA: Thank you. You have it.

6 MS. UNDERWOOD: So answer if you can.

7 **A. What's the question?**

8 Q. (BY MS. O'HARA) I don't know at this point.
9 What's the rock and the hard place that you feel
10 you're between? Let me just --

11 **A. I've already answered that question.**

12 Q. Well, maybe I didn't understand your answer.
13 You're a therapist. You're entitled to treat anybody
14 you want, right? You understand that.

15 **A. Of course.**

16 Q. You have a small contract with the City right
17 now, doing a smaller contract than you used to have.
18 Which, by the way, you don't -- there's no ill motive
19 in the -- you're not attributing ill motive to the
20 fact that the contract was reduced.

21 **A. Of course not.**

22 Q. Okay. I mean, there were budget cuts all over
23 the City and they had to cut and, unfortunately, the
24 therapy for officers got cut out of the budget.
25 Okay. So that's not part of this whole issue, right,

1 **A. I have no idea.**

2 Q. So some unknown City Attorney has concluded
3 that, because you're Mr. Mehring's therapist and
4 you've written a letter to his attorneys, that the
5 City will not renew your contract to provide support
6 to other officers.

7 MS. NELSON: Objection. Misstates prior
8 testimony.

9 Q. (BY MS. O'HARA) Is that your belief?

10 **A. That's what's been told to me.**

11 Q. Okay. So you said something about Chief Nicks
12 and Chief Kirkpatrick have their own opinion, or
13 something like that, and it's the City Attorneys who
14 have this other opinion. Is that --

15 **A. That's what's been told to me.**

16 Q. Okay. And when you say "told," are we still
17 talking about this one e-mail?

18 **A. Yes.**

19 Q. So in addition to this one e-mail, have there
20 been phone discussions?

21 **A. No.**

22 Q. Have there been person-to-person discussions?

23 **A. No.**

24 Q. So there's a single e-mail from Chief
25 Kirkpatrick to you, correct?

1 **anymore.**

2 Q. Okay. Have you had a good relationship with
3 Mr. Treppiedi?

4 A. **Excellent.**

5 Q. Until -- Well, if he's not responding you, you
6 don't know what the relationship is, I guess.

7 A. **No.**

8 Q. Do you feel he's deliberately not responding?

9 A. **It certainly looks that way.**

10 Q. Have you tried calling Mr. Delaney, who is the
11 City Attorney?

12 A. **No.**

13 Q. Okay. Have you written a letter inquiring
14 what's going on with the contract?

15 A. **No.**

16 Q. Is there a reason you haven't?

17 A. **No.**

18 Q. Okay. Do you want to renew the contract?

19 A. **Absolutely.**

20 Q. Does Chief Kirkpatrick want to renew the
21 contract?

22 A. **She --**

23 MS. UNDERWOOD: Object to the form of the
24 question.

25 Answer if you can.

1 MS. NELSON: Yeah, objection as to calls
2 for speculation.

3 Q. (BY MS. O'HARA) Based on your correspondence
4 with her, is she indicating she wants to renew your
5 contract?

6 A. Well, based on the last correspondence I had
7 with her, she would -- I would say yes.

8 Q. Okay. And you said something, you said she
9 and Chief Nicks have their opinion --

10 A. That they supported it.

11 Q. Supported renewing your contract, correct?

12 A. Correct.

13 Q. Okay. So as we circle back to the issue, you
14 don't have any quote/unquote beef with Chief
15 Kirkpatrick.

16 A. I never said I did.

17 Q. I know, you didn't. And I'm agreeing that you
18 don't. But she appears to like you and wants you to
19 have the contract, right?

20 A. That's my assumption.

21 MS. UNDERWOOD: Object to the form of the
22 question.

23 Q. (BY MS. O'HARA) She likes the services that
24 you have provided over the years.

25 A. That's the feedback I received.

1 Q. So she's in support of renewing your contract,
2 is all I'm saying.

3 MS. UNDERWOOD: Object to the form of the
4 question.

5 Answer if you can.

6 MS. NELSON: I join, as well.

7 **A. I can only assume.**

8 Q. (BY MS. O'HARA) Based on what she told you.
9 I mean, unless she's lying to you.

10 MS. NELSON: Same objection.

11 MS. UNDERWOOD: Objection. Join.

12 Q. (BY MS. O'HARA) This is not a trick. It's
13 the last question. I mean, based on what you're
14 understanding, you know Chief Kirkpatrick, she sent
15 you an e-mail, and you believe she supports renewing
16 your contract. That's all I'm asking. Correct?

17 **A. Based on my last correspondence with her, that**
18 **would have been my last belief.**

19 Q. Okay. Well, since then, has something else
20 happened that makes you think that that's not correct?

21 **A. Other than the fact that there has been no**
22 **correspondence.**

23 Q. Well, have you tried to e-mail her?

24 **A. I don't recall who sent the last e-mail.**

25 Q. I guess I'm just trying to finalize this. Are