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SUPERIOR COURT OF THE STATE OF WASHINGTON
THURSTON COUNTY

KENT L. and LINDA DAVIS, and SUSAN)
MAYER, derivatively on behalf of OLYMPIA)
FOOD COOPERATIVE,)

Case No. 11-2-01925-7

Plaintiffs,)

v.)

DECLARATION OF GRACE
COX IN SUPPORT OF
DEFENDANTS' OPPOSITION
TO PLAINTIFFS' SECOND
MOTION TO COMPEL

GRACE COX; ROCHELLE GAUSE; ERIN)
GENIA; T.J. JOHNSON; JAYNE KASZYNSKI;))
JACKIE KRZYZEK; JESSICA LAING; RON)
LAVIGNE; HARRY LEVINE; ERIC MAPES;)
JOHN NASON; JOHN REGAN; ROB)
RICHARDS; JULIA SOKOLOFF; and)
JOELLEN REINECK WILHELM,)

Defendants.)

I, Grace Cox, declare as follows:

1. The statements in this declaration are made on my personal knowledge, and are true and correct to the best of my knowledge and understanding. I am competent to testify to them.

1 2. I am a defendant in this lawsuit.

2 3. I have been a member of the Co-op since 1979, and employed at the Co-op
3 since 1984. I was a staff observer to the Board of Directors from 1995 to 1996, and the
4 staff representative to the Board in August, October, November and December of 2010.

5 4. In the 31 years that I have been employed at the Co-op, it has taken public
6 stands on many national and international social and political issues. This has always been
7 part of the Co-op's mission. We have used numerous tools to exercise our freedom of
8 speech as individuals and as a cooperative: We have participated in the international
9 movement for Fair Trade and have given preference to selling products that meet Fair
10 Trade standards. We have spoken out against war, stood with farmworkers domestically
11 and internationally, and participated in product boycotts against individual companies,
12 states and nations. As the original author of the Co-op's Boycott Policy, I have consistently
13 advocated for participation in boycotts as a non-violent economic tactic for social change
14 and consumer education.

15 5. I was not a member of the Board of Directors when the decision to boycott
16 Israeli products was made in July 2010, but I was in attendance at the meeting as a general
17 member. I wholeheartedly supported the decision as being in line with our stated values
18 (mission statement and by-laws) and our operational policies, including product selection
19 guidelines and the boycott policy.

20 6. Co-op members engage with the Board through email, at the annual
21 membership meeting and the monthly board meetings, during elections, at tabling events
22 hosted by the board and through the work of board committees. The by-laws place
23 responsibility for open member communication directly on the board. It is critical that

1 Board/member communications be open, honest and free, and that people not be concerned
2 about those communications being divulged when they are outside of a public meeting or
3 function open to non-Co-op members (for example, emails between a Co-op member and
4 Board member).

5 7. I served as the substitute staff rep to the Board for four meetings (August,
6 October, November & December of 2010) in the aftermath of the Israeli products boycott
7 decision. During my short tenure I observed the Board's sincere efforts to listen to
8 members representing all positions on the decision, and to seek some resolution. On
9 August 12, 2010 the Board sponsored the Co-op-community forum during which any
10 member who wished to speak was allowed to do so. The goal was to allow Co-op
11 members to express their views about the boycott decision as freely and openly and safely
12 as possible. Had these committed and passionate members known that their comments
13 could end up in court, or disclosed to persons or groups outside of the Co-op community, it
14 is likely that some of them would not have felt free to express their opinions.

15 8. In the ensuing months members contacted the board by email expressing
16 both support and opposition to the boycott decision. Again, had these members known
17 their identities and messages could end up in court, honest and direct communication
18 would have been hampered. These efforts at dialog continued after my tenure until we
19 received the letters threatening legal action. The threat chilled any opportunity for public
20 discourse.

21 9. Another action taken by the Board was to form a committee of Board
22 members, staff and Co-op members, to review and potentially improve the Boycott Policy.
23 The Boycott Policy Review Committee met for several months and had made significant

1 progress. As we were nearing completion of our work we were forced to abandon the
2 project as a result of the threatened lawsuit. Over four years later we have not been able to
3 return to this important work due to the legal action we face. One concern is that the
4 communications between Committee members could somehow be used against the
5 defendants in the lawsuit.

6 10. Since the boycott decision regarding Israeli products, the Co-op staff and
7 Board have received requests from our members to participate in other boycotts which are
8 in line with our mission and operational policies. This lawsuit hanging over our heads has
9 chilled conversation about boycotting products based on corporate opposition to GMO
10 labeling (companies owned by General Mills) and the Eden Foods boycott based on Eden's
11 opposition to the Affordable Care Act. These are issues that impact our members and the
12 lack of open discourse is chilling the Co-op's ability to carry out our own policies and
13 procedures. If all of our communications were to be disclosed, as plaintiffs demand, the
14 chill would be even greater.

15 11. It is open information that not all staff members were aligned on the
16 decision to boycott Israeli products. The Co-op staff collective has invested significant
17 resources in learning and carrying out restorative justice practices. If the communications
18 relating to those efforts were disclosed, it would totally undermine any ability to resolve
19 staff members' concerns. As it is, due to the lawsuit, the staff's efforts to move forward
20 have been cut off, leaving unresolved feelings that sometimes affect our daily working
21 relationships. Again the concern is whether any actions taken could adversely affect the
22 lawsuit, and that communications between staff would be disclosed.

23 12. Another role I play at the Co-op is as a representative to several other

1 organizations including the National Cooperative Grocers. Members of other Co-ops
2 frequently contact me with a variety of questions concerning our operating policies. I have
3 been contacted specifically about the decision to boycott Israeli products and the resulting
4 lawsuit. I do not have personal knowledge of what has actually happened in their efforts to
5 enact the boycott in their Co-ops, but I have been told that the lawsuit against 16 individual
6 Olympia Food Co-op board members has been mentioned by their own Co-op's board and
7 management as one reason they would not consider participating in the boycott.

8 13. Even non-Co-op members of the public who contacted the Co-op were
9 extremely concerned that their communications – expressing their views about the boycott
10 either pro or con – not be disclosed. One person sent an email to the Co-op which she
11 thought had been posted on our website. (It hadn't been. She evidently also sent her
12 comment to the Food Co-op in Port Townsend, Washington and it was posted on that
13 website). Nonetheless, the person contacted me and wrote the following: "Hello, when I
14 wrote my comments about your boycott, I had no idea it would be on the internet. Please
15 remove my comments from your site immediately. I considered that private mail between
16 me and you, and my permission was never given to place it on your site." It was important

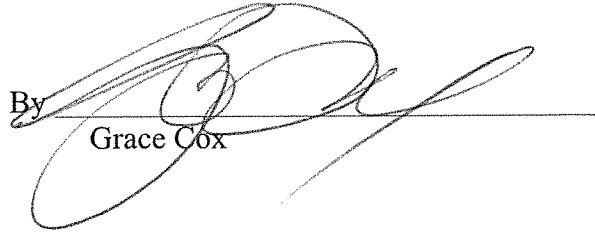
1 that this person's comment be communicated to our Co-op. But it was obviously critical to
2 her that the comment be kept confidential.

3 I declare under penalty of perjury of the laws of the state of Washington that the
4 foregoing is true and correct.

5 DATED this 19 day of January, 2016 at Olympia, Washington.

6
7
8 By

Grace Cox

A handwritten signature in black ink, appearing to read 'Grace Cox', is written over a horizontal line. The signature is stylized and cursive.

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DECLARATION OF SERVICE

On January 20th, 2016, I caused to be served a true and correct copy of the foregoing document upon counsel of record, at the address stated below, via the method of service indicated:

Robert M. Sulkin	<input type="checkbox"/>	Via Messenger
Avi J. Lipman	<input type="checkbox"/>	Via U.S. Mail
McNaul Ebel Nawrot & Helgren PLLC	<input type="checkbox"/>	Via Overnight Delivery
600 University Street, Suite 2700	<input type="checkbox"/>	Via Facsimile
Seattle, WA 98101-3143	<input checked="" type="checkbox"/>	Via E-mail

I declare under penalty of perjury under the laws of the United States of America and the State of Washington that the foregoing is true and correct.

DATED this 20th day of January, 2016, at Seattle, Washington.

s/ Brooke E. Howlett
Brooke E. Howlett, WSBA #47899