

The Honorable Carol Murphy

EXPEDITE
 No hearing set
 Hearing is set
Date: March 2, 2018
Time: 9:00 a.m.
Judge/Calendar: Hon. Carol Murphy

SUPERIOR COURT OF THE STATE OF WASHINGTON
THURSTON COUNTY

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

Plaintiffs,

v.

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.

No. 11-2-01925-7

DECLARATION OF BROOKE
HOWLETT IN SUPPORT OF
DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY
JUDGMENT

I, Brooke Howlett, am an attorney for Defendants, and I have personal knowledge of the matters set forth in this declaration. If called to testify to these matters, I could do so competently.

1 1. On February 26, 2018, I sent Plaintiffs' counsel copies of documents produced
2 by Plaintiffs in discovery that Defendants intended to include with this filing. Plaintiffs'
3 counsel stated that they did not oppose Defendants' filing of unredacted versions of those
4 documents. All such documents produced by Plaintiffs in discovery and filed herein were
5 included in this February 26, 2018 email.

6 2. Attached hereto as **Exhibit A** is a true and correct redacted copy of a document
7 produced by Defendants in the above-captioned matter, which are meeting minutes from the
8 May 27, 2010 Merchandising Coordinated Action Team ("Merch CAT") meeting.

9 3. Attached hereto as **Exhibit B** is an excerpt of the official transcript of the
10 February 9, 2017 deposition of Jayne (Kaszinski) Rossman in the above-captioned matter.

11 4. Attached hereto as **Exhibit C** is a true and correct copy of a document produced
12 by Plaintiffs in the above-captioned matter with Bates Number PLTFFS010250.

13 5. Attached hereto as **Exhibit D** is a true and correct copy of a document produced
14 by Plaintiffs in the above-captioned matter with Bates Number PLTFFS012381.

15 6. Attached hereto as **Exhibit E** is a true and correct copy of documents produced
16 by Plaintiffs in the above-captioned matter with Bates Numbers PLTFFS004026;
17 PLTFFS010290; PLTFFS002987; and PLTFFS012052.

18 7. Attached hereto as **Exhibit F** is a true and correct copy of a document produced
19 by Plaintiffs in the above-captioned matter with Bates Number PLTFFS011648.

20 8. Attached hereto as **Exhibit G** is a true and correct redacted copy of a document
21 produced by Plaintiffs in the above-captioned matter with Bates Number PLTFFS002488.

22 9. Attached hereto as **Exhibit H** is a true and correct redacted copy of a document
23 produced by Defendants in the above-captioned matter with Bates Numbers COX005248 and
24 COX005358.

25 10. Attached hereto as **Exhibit I** is a true and correct redacted copy the 2010
26 Olympia Food Co-op Board Report by Julia Sokoloff.

1 **DECLARATION OF SERVICE**

2 On March 1, 2018, I caused to be served a true and correct copy of the foregoing
3 document upon counsel of record, at the address stated below, via the method of service
4 indicated:

5 Robert M. Sulkin Via Messenger
6 Avi J. Lipman Via U.S. Mail
7 McNaul Ebel Nawrot & Helgren PLLC Via Overnight Delivery
8 600 University Street, Suite 2700 Via Facsimile
Seattle, WA 98101-3143 Via E-mail

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

11 DATED this 1st day of March, 2018, at Seattle, Washington.

12
13 s/ Brooke Howlett
14 Brooke Howlett, WSBA No. 47899
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Exhibit A

Merch CAT

5/27/10

Present: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] (notes), [REDACTED]

Agenda

Meat cooler with faccat

Plan MCAT eval/retreat

Signage training plan

Boycott check-in

Velocity report reminders

Dpt help kit

Accessing dpt meeting system

Announcements

- [REDACTED] has malaise. So does [REDACTED].

- [REDACTED] is done with conferencing and traveling for a while and will be able to be more present.

- [REDACTED] bought a house! She is a trifle distracted.

- [REDACTED] went to the BOD meeting about Israel. They want the collective to consent to it.

Harry is going to write a proposal to the collective.

Commitment check-in

- [REDACTED] forgot to do her commitments.

- [REDACTED] has not written the China boycott thing.

- the back of the freezer at the ES is covered.

- [REDACTED] and [REDACTED] are moving forward on WS strat. Plan stuff.

Meat cooler with faccat

Merch CAT needs to look at sales records for meat and frozen and make a recommendation to facilities about what to buy: a freezer or a cooler. We need to get input from meat and frozen managers and report back to facilities

Plan MCAT eval/retreat

Thursday July 8th 1-5:30. people will bring snacks. [REDACTED] will email the CAT eval stuff to all, and plan the agenda. [REDACTED] wants candy. [REDACTED] is feeling confused about how to approach work in this CAT. It would be great to come up with a purpose statement for the Merch CAT. Figure out the relationship between merch and marketing, etc.

Signage training plan

[REDACTED] talked with Grace and Jayne about software. They don't have anything in mind, they just made sure it got in the budget. We should set up a meeting with the branding team. [REDACTED] will set up that meeting. It seems like we should post the job, and have the person be at that meeting also. But first!...We need to meet and get clear on what each group's purpose is, then make another time to meet with the new signage coordinator after that. We need two people to go to their meeting. Those two people need to spend some time planning the agenda for that meeting.

Suggested days: Tuesdays are good for [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. We can try to get to their meeting.

Training

All types of signage must be gathered. We then need to prioritize what should be first and

then write a work plan. [REDACTED] thinks that could possibly come after the graphics are developed. But we do need to help them figure out the priorities, and the approach, because each type of sign comes with its own system. Fern [REDACTED] to be able to set this

person up with some really awesome skills—stuff from Zingermann's, other sources. [REDACTED] thinks we should ask for a year long commitment, so that we can get people the training they need and have it be cost-effective. [REDACTED] thinks we just hold the expectation that people will be willing to stay in to build expertise, [REDACTED] thinks that we have to get people this training so that they feel supported by this group.

[REDACTED] recommends that we hire a graphic designer, and train the coordinator in house and

with the graphic designer. Or some combination of in-house and out. She also thinks that we should contact Zingermann's for recommendations about training this person.

[REDACTED] will do this. [REDACTED] and [REDACTED] will talk to folks when they are at the conference.

Boycott check-in

see announcements. [REDACTED] thinks that maybe it's time to work on a proposal for a new system about how boycotts work. Like they go to the board, or membership or what.

[REDACTED] will work on this.

Velocity report reminders

[REDACTED] made a reminder to staff. she wants us to have a system for us to put this in the journals monthly. [REDACTED] would like to see us have it be more personal, have individual check-ins. We could do this at department meetings. Or we could go to departments and

sell it, and ask them to develop a system for making sure these and OPP are taken care of.

We will figure this out for July dpt meetings.

Commitments

[REDACTED] will order the merchandizing manual from CGIN.

[REDACTED] will call Zingermann's about training signage folks

[REDACTED] and [REDACTED] will talk to folks at the conference about signage.

[REDACTED] will work on a proposal for new boycott systems (sometime this year.)

[REDACTED] will get the job description posted

[REDACTED] will make an agenda for the CAT eval.

Next meeting

Dpt help kit

Accessing dpt meeting system

Velocity reports at dpt meetings

Exhibit B

1 SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

2

3 KENT L. and LINDA DAVIS; and)
4 SUSAN MAYER, derivatively on)
5 behalf of OLYMPIA FOOD)
6 COOPERATIVE,)

7 Plaintiff,)

8 vs.)

)No. 11-2-01925-7

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

17 Defendants.)



18

19 DEPOSITION UPON ORAL EXAMINATION OF

20

21 JAYNE (KASZYNSKI) ROSSMAN

22

23 1:00 p.m.

24

25 FEBRUARY 9, 2017

26

6005 TYEE DRIVE SW

27

TUMWATER, WASHINGTON

28

29 REPORTED BY: LORRIE R. CHINN, RPR, CCR 1902

30

1 A. Well, the place it went to in the first case,
2 because it was on a suggestion, it went to the
3 front-end member services. I can't answer to anything
4 that merchandising CAT did when they had it. Then, of
5 course, the boycott process happens when Harry, as the
6 staff rep, brings the proposal to staff. And then it
7 leaves the process again when the Board takes it up to
8 make a decision.

9 Oh, it also left the process, I think, when
10 merchandising CAT requested that the Board make the
11 decision.

12 Q. When you use that phrase, it left the process,
13 you mean that actions were taken that were not set
14 forth in the boycott policy?

15 A. Correct.

16 Q. I understand that there was some effort after
17 the Israel boycott was approved to amend the boycott
18 policy that had been approved in the early '90s; is
19 that correct?

20 A. There was a subcommittee that was empowered
21 with a wholesale review of the boycott policy with the
22 idea that they would present recommendations with
23 possible changes.

24 Q. Were you part of that?

25 A. I briefly facilitated that group for a few

1 meetings at one point.

2 Q. Do you know when that was?

3 A. I don't. It was -- all I can say is it was
4 midway.

5 Q. My understanding is that the boycott policy
6 that had been approved in the early '90s was never
7 actually amended; is that correct?

8 A. That's correct.

9 Q. Do you know why not?

10 A. Could you narrow the time period that -- are
11 you asking about the boycott review committee or the
12 entire time period?

13 Q. Start with the review committee.

14 A. The Board decided to table the recommendations
15 from that committee until such a time as this lawsuit
16 was completed.

17 Q. One of the recommendations that was tabled was
18 that the Board would have the final say with respect to
19 boycotts, correct?

20 A. I believe so.

21 Q. Do you know who made that proposal?

22 A. The members of the committee as a whole, I
23 think.

24 Q. Do you have an understanding of why they made
25 that proposal?

1 A. My understanding would be limited, again
2 having not -- not been there for those conversations.
3 However, I understand that part of it was due to the
4 fact that in every other way the Board -- the Board
5 holds all of the power for any political or other
6 endorsements.

7 For instance, if an outside organization wants
8 to post a flier for something inside the store, staff
9 don't approve that, the Board approves that, because
10 it's considered an endorsement of whatever that group
11 is. Similarly, the Board is the group that decides
12 whether or not to endorse initiatives, like the gay
13 marriage initiative.

14 And so I think that in looking at the bylaws
15 and determining, you know, which things are operational
16 concerns versus policy, that group thought that it most
17 reasonably rested with the Board.

18 Q. So the proposal was, if I understand your
19 answer correctly, to align decision-making with respect
20 to boycotts with decision-making about other political
21 issues?

22 A. Yes. Although, I should also say that there
23 were multiple recommendations that would have been
24 presented.

25 Q. And I understand that. But one of the

1 REPORTER'S CERTIFICATE

2

3 I, LORRIE R. CHINN, the undersigned Certified Court
4 Reporter, pursuant to RCW 5.28.010 authorized to administer
5 oaths and affirmations in and for the State of Washington, do
6 hereby certify:

7 That the sworn testimony and/or proceedings, a
8 transcript of which is attached, was given before me at the
9 time and place stated therein; that any and/or all witness(es)
10 were duly sworn to testify to the truth; that the sworn
11 testimony and/or proceedings were by me stenographically
12 recorded and transcribed under my supervision, to the best of
13 my ability; that the foregoing transcript contains a full,
14 true, and accurate record of all the sworn testimony and/or
15 proceedings given and occurring at the time and place stated
16 in the transcript; that a review of which was requested; that
17 I am in no way related to any party to the matter, nor to any
18 counsel, nor do I have any financial interest in the event of
19 the cause.

20 WITNESS MY HAND AND DIGITAL SIGNATURE this 23rd day
21 of February, 2017.

22

23 

24 LORRIE R. CHINN
25 Washington State Certified Court Reporter, #1902
lchinn@yomreporting.com



Exhibit C

From: "David Scherer Water" <david.scherer.water@gmail.com>
To: "Jim Bamberger" <jim_bamberger@netzero.net>
"Nancy Koppelman" <koppeimn@evergreen.edu>
"Nina Berenfeld" <phillyninab@yahoo.com>
"Danny Kadden" <dkadden@comcast.net>
"Sam Schragar" <samschragar@comcast.net>
"Harriet Strasberg" <hstrasberg@comcast.net>
"David Scherer Water" <davidscherer@tss.net>
"Rabbi Seth Goldstein" <rabbi@bethhahfiloh.org>
"Laura Schragar" <shilanski@aol.com>
"Hava Aviv" <havaaviv@gmail.com>
"Marna Sapsowitz" <mhsapsowitz@yahoo.com>
"The Chabad Jewish Discovery Center" <RabbiCheski@JewishOlympia.com>
"Kent L. Davis" <kldavis@tech4law.com>
"Linda Davis" <idealist@comcast.net>
"Brian Boyd" <brianboyd@gmail.com>
"Jeff Trinnan" <jstrinin@q.com>
"Yohanna Kinberg" <rabbikinberg@templebnaitorah.org>
"16 Andras" <andrasjones@radio8ball.com>

Date: 12/16/2011 11:26:41 AM

Subject: update

CONFIDENTIAL (please don't forward or distribute this, this information is not public yet. If you have questions, please ask me)

The OFCBPRC met last Thursday for the last time. We agreed to submit our revised boycott policy to the Board with two versions of Step 3, the step concerning the role of Staff. Finalized language for the two options is due next week. Option 1 only requires a "consult" with the staff. Option 2 is below. I'm the only committee member in favor of Option 2. After Option 1 and 2 are finalized, Polly (Staff rep.) will put the whole thing together and we'll have a few days to reflect before a final complete version goes to the Board. I can email the whole thing to this email list then. Let me know if you have any questions, changes, advice, etc. I'm also open to meeting as the IOC in person.

David

Step 3 / Option 2

After the Board has sent a boycott proposal to the standing Boycott Committee (Step 1), and after the Boycott Committee returns the proposal to the Board (Step 2) it is sent to the Staff (Step 3). The proposal is sent out by email in advance of the subsequent Staff meeting where the proposal will be an agenda item. Among questions to consider:

1. What are the Staff's concerns? How can they be addressed?
2. What will the Staff need to implement this boycott (educational materials, training, product research)?
3. How much time will it take for the co-op to implement the boycott (bearing in mind Staff needs, publicity, etc.)?
4. What will end the boycott? What are the exceptions?
5. Is there a need for a member forum?

The Staff decides by consensus if the proposal should make it to Step 4.

Rationale for Step 3 / Option 2:

There is wisdom in the original boycott policy. It included this important step, giving Staff decision-making authority in regards to boycotts. The intelligence of the Staff is grounded in the nature of their role in the collective. We should trust in it. At the point in which we are enlisting the political will of the Co-op, the degree of consequence is great enough to warrant this step. The extra time that Option 2 may require is made up for, given the comparatively greater potential for divisiveness that a Board-only decision can lead to.

The Staff is a larger body today than it was when the original boycott policy was written. Therefore, the new policy must include an evaluative and preparation process. This is the previous step, Step 2: the formation of a standing committee to clarify a boycott proposal before it goes to Staff. Step 2 reduces the time required for Staff deliberation, reduces confusion and allows the person making the proposal to work through concerns before taking it to the Staff. Having gone through the process of Step 2, a proposal would have a much easier time receiving consent of the Staff and later the

consent of the Board.

Step 3 / Option 2 is in line with Staff feedback sent to our committee by:

- Preserving the Staff collective consensus model, the cornerstone of the co-op's organization.
- Honoring the Co-op's commitment to labor by maintaining the Staff's ability to control its working conditions, including decision-making about products.
- Honoring the Co-op's commitment to diversity and consensus over any particular political interest.
- Empowering and putting trust in the Staff.

[policy continues...]

Step 4: At the fourth meeting the board decides whether or not to endorse the boycott. Endorsement should be understood to include a commitment to Staff education, if needed, identifying a point person for publicity and communication, discussing how publicity and communication will be handled, including a clear statement explaining the rationale for the boycott, and time needed to prepare before the boycott is implemented, and a safety plan—see proposed plan, below). Etc.

Exhibit D

From: "Linda Davis" <idealist@comcast.net>
To: "Tom Connor" <tomconnr@comcast.net>
"Howard Weinberg <"
"(\trainwrecktv@hotmail.com)>"
"Carolyn Hathaway <"
"(\carolynhat@comcast.net)>"
"Kent L. Davis <"
"(\kldavis@tech4law.com)>"
"Robert J <"
"(\robertj@standwithus.com)>"
"Linda Davis <"
"(\idealist@comcast.net)>"

Date: 2/20/2012 3:32:50 PM

Subject: Phone Conference today at 4pm!

Hi Tom, Howard, Carolyn, Kent and Rob,

Per my quick conversation with Rob a few minutes ago, I'm sending this email.

If you're available for our teleconference this afternoon at 4:00 P.M. (instead of the 3:00 P.M. originally proposed), please expect a follow-up email from Rob with the call-in number and code which will be sent to us soon.

I look forward to speaking with everyone!

Warmest regards,

Linda

From: "Linda Davis" <linda1st@comcast.net>
To: "Robert J" <rjober@standwithus.com>, "Carolyn Hathaway" <carolynhath@comcast.net>, "Tom Connor" <tom@connor@comcast.net>
Cc: "Kent L. Davis" <kldavis@ferdellaw.com>, "Linda Davis" <linda1st@comcast.net>
Sent: Monday, February 20, 2012 12:18:52 PM
Subject: RE: This Upcoming Thursday: First Co-op Court Hearing

Thanks for getting back to me/us so quickly, Rob! Kent and I have really appreciated hearing from you.

We're both available for a phone conversation this afternoon at 3:00pm, as you've suggested, and we hope Tom and Carolyn are available, as well.

In addition to the five of us, I'd like to include Howard Weinberg in our teleconference since he has been a stalwart ally throughout this whole boycott debacle. Everyone, please let me know if this is okay with you, and I will contact Howard asap. Many thanks!

Kent and I totally agree with what you've written in your first paragraph, Rob. It is very uncomfortable for us to have to contend with those virulent BDS supporters in our community, and by avoiding a face-to-face confrontation at the Courthouse, this would certainly be welcomed! We also like your strategy that we plaintiffs would probably come across as being less political if we simply stayed away from Thursday's hearing. I'll present this suggestion to our attorneys in a few minutes and, hopefully, I'll have an answer before our conference call begins this afternoon. Many thanks for your input!

With regard to today's teleconference, Rob, do you want to initiate it? If you'd prefer, Kent and I could use our GoToMeeting account for this call, so please let us know. If we decide to use our program, Kent will have to reserve a dial-in number and provide it, in advance, to all participants. Please let me/us know your preference. Thanks!

Thank you, too, Rob, for your candid update about the February 12th IAN workshops. I'm also very interested in hearing Carolyn's and Tom's feedback. Thank you all for attending!

While I'm personally disappointed that we can't expect as much support from IAN as we might need in Olympia and in dealing with the Progressive Democrats of America (PDA) and other progressive groups and organizations and others who seek to delegitimize Israel, at least IAN is focusing on the Presbyterian and Methodist Churches nationally. That's one less fight for us! <g> What IAN is failing to recognize, however, is the fact that by providing clear and timely counter-arguments to the propaganda coming from BDS activists into progressive communities and humanitarian groups, etc., this would proactively stem the tide of BDS efforts in these mainstream churches.

Those who take up the BDS cause love to fight for the downtrodden, and they have well-meaningly but misguidedly been led to think that they're on the side of "suffering Palestinians" – and they quickly get behind the BDS cause against Israel. As humanitarians, they feel that they are acting positively against a country in the name of human rights and social justice.

Also, because boycotts, divestments and sanctions have, historically, been non-violent means employed to improve the lives of the downtrodden and

bring an end to human rights violations and suffering (as in the boycotts of table grapes and lettuce in support of Cesar Chavez and the United Farm Workers Union in California, and the peaceful actions through boycotts, divestments and sanctions and by changing world opinion which, ultimately, ended apartheid in South Africa, etc.), liberals and humanitarians see the BDS movement against Israel as a way to end "oppression" by Israel and empower the Palestinians. They don't realize that behind the BDS movement are sinister forces that simply want to eradicate the Jewish state of Israel.

From all my interactions with well-intentioned progressives and humanitarians, once they learn the truth about the history of "Palestine" and "Palestinians" and the BDS movement's intentions of "right of return" and all its implications, they can then be more open-minded to hearing the merits of Israel – including LGBTQ acceptance and other human rights not afforded elsewhere in the Middle East.

I hope that, today, we'll be able to discuss the signature drive by BDS and Jewish Voice for Peace focused against us plaintiffs in our case against the Olympia Food Co-op Board members. Did the IAN training last week suggest any strategies to counter the false claims and accusations being made against us? As you know, because we are plaintiffs in this legal action, we are prevented from openly discussing our case or defending ourselves against these lies and skewed information.

I further hope that we'll have time to discuss your proposed Israeli speakers during our call, Rob. Also, if you could please send us email attachments of the materials and handout from the February 12th IAN workshops that you've mentioned, Kent and I would appreciate receiving them.

Thanks so much for your ongoing help and support! Talk with you soon!

Warmly,

Linda

From: Robert J [mailto:robert.j@italyfirst.us.com]
Sent: Sunday, February 19, 2012 4:52 PM
To: Linda Davis; Carolyn Hathaway; Tom Connor
Cc: Kent L Davis
Subject: RE: This Upcoming Thursday: First Co-op Court Hearing

Linda and Kent,

Have you spoken to your attorneys about what they want in terms of attendance? Courts are usually not influenced by these kinds of showings. And if you make an effort and not many show up, being overwhelmed by the other side, you'll look worse than if you made no effort at all. In the latter case, your attorneys could say that, unlike the BDS folk, they're not trying to influence the court by exerting political pressure and our side will sound more righteous to the court. If you punish, you lose that claim but only show that you don't have the political power of the BDS movement in Olympia.

More importantly, the BDS folks and Jewish Voice for Peace are pushing a national position effort to get signatories together to present to you two and the other three plaintiffs insisting that you drop the lawsuit. We should talk about that this week. Are you two and Tom available to talk Monday afternoon around 3pm?

Finally, if there are people in Olympia who could organize a community meeting on Thursday evening, Ran Bar-Yoshafat and Panya Eidel, both Israelis, one Jewish and one Druze, are available to speak in Olympia. It's short notice, but the space just opened on their schedule and I'd love to get them to Olympia to speak to those who are anti-Israel or who are "conflicted" about Israel.

I'll be emailing others in Olympia, but with Rabbi Seth gone, who should I be speaking with to see if some meeting could be set up at TBH?

Also, in March, we have the leaders of the three largest LGBTQ organizations in Israel coming to Seattle. They'll be here from March 14 to 18. If someone will step up to help us organize a large community event with publicity and security in Olympia, we'll bring them down to Olympia to speak. They'll most likely be there sometime during their visit for a legislative reception, so we might as well get them a chance to talk to the larger Olympia community.

The VAN event was fine but did not really teach us anything new. Only one of the three speakers has been in a leadership position in opposition to the anti-Israel campaigns. One other was a labor organizer and the last was a lower-level staff member in the NFICBC. Their perspective is that the primary effort should be to snap the national Presbyterian and Methodist Churches from aligning with the BDS movement. The Olympia BDS effort effected us here, they said, but it was relatively unimportant on a nationally or internationally. There was one portion that I thought was valuable and one handout as well. I can scan the handout and get it down to you. It was a ten-minute portion where one of the presenters gave the spiel he uses when speaking to church leaders.

Carolyn and Tom, was that your take as well?

Rob

Robert Jacobs
Northwest Regional Director
RobJacobs@StandWithUs.com

StandWithUs Northwest
1907 E Highland Drive
Seattle, WA 98112
206.801.0902
<http://www.StandWithUs.com/Northwest>

From: Linda Davis [mailto:linda@standwithus.org] [mailto:linda@standwithus.org]
Sent: Sunday, February 19, 2012 11:54 AM
To: Carolyn Hathaway; Tom Connor; Robert J
Cc: Kent L Davis
Subject: FW: This Upcoming Thursday: First Co-op Court Hearing

CONFIDENTIAL – PLEASE DO NOT FORWARD TO OTHERS. Thanks!

Hi Carolyn, Tom, and Rob,

I received the following email last night since I'm still on the emailing list of Olympia BDS.

Before I forward this BDS email to our Olympia Action Team and ask for some needed attendance support at our Court hearing set for this upcoming Thursday, I first wanted to check in with all of you since you attended the Israel Action Network workshop(s) last Sunday.

While I've already sent emails to Zach Carstensen of the Jewish Federation in Seattle and to Julie Bernstein of IAN in New York requesting a copy of the video(s) taped last weekend (so Kent and I and others in Olympia could watch and benefit from this needed training and be in a better position to develop and execute effective strategies), I haven't heard back from either. Since you attended (and we haven't yet had an opportunity to speak), I'm sending the following to you, hoping that we can somehow counter the latest efforts that BDS proponents are undertaking in our community and beyond.

As you can see, local BDS activists are recruiting supporters to our Court hearing on Thursday, February 23rd. In addition to this email (below) and the similar notice and video posted at the Olympia BDS website at <http://www.olympiabds.org/>, BDS is making a determined outreach, requesting organizations, groups, and businesses to sign their Statement of Solidarity which has now been circulating online and at various local groups and organizations. This video, for example, has been posted online at Vimeo at <http://vimeo.com/35766523> and elsewhere.

I'm already aware of the fact that our local Olympia Unitarian Universalist Church (OUUC) has been approached by BDS activists to sign on to this Statement of Solidarity; however, after my recent phone conversation with Rev. Arthur Vaeni, I am feeling somewhat relieved that even if this Solidarity Statement is passed by the OUUC's Social Justice Committee, the OUUC governing Board would not reach consensus to approve this attempted effort.

Other groups, organizations and businesses are, similarly, being approached and, most disturbingly, the facts are skewed, as usual. For example, claims are made that: (a) solidarity with the actual/full "Olympia Food Co-op" is being requested; and (b) the plaintiffs in this lawsuit ignored the OFC's democratic process by not obtaining signatures and presenting the issue to a membership vote.

This slanted rhetoric is implying that we plaintiffs are against the **whole** Olympia Food Co-op and not, in actuality, against the actions of the 2010 OFC Board members who were not in compliance with the policies and procedures in effect when the Israel boycott was enacted on July 15, 2010.

It also ignores the fact that at the August 12, 2010 community meeting held at The Olympia Center almost a month after the Board's boycott decision, Laura Schrage handed signed petitions with the required number of signatures (300-350) that spoke to shoppers' and OFC members' unhappiness with the boycott decision. No action by the then-Board or their successors ever put the boycott issue to a membership vote even with these signed petitions. However, even with these signatures, the existing Boycott Policy carefully set out protocol and procedures which the Board members failed to follow.

I think it's important that before other groups, businesses, and organizations are approached to sign this Statement of Solidarity, they should know the *real truth* and the facts.

We plaintiffs have followed procedure and we're not, as alleged, trying to thwart individual OFC Board members' rights to freedom of speech or expression, and we're not a threat to the Olympia Food Co-op, as alleged. We simply feel that OFC Board members ignored, and were not in compliance with, existing OFC policy and procedures (especially in light of the fact that this boycott decision involved such a potentially contentious issue at the staff level and among OFC members).

Also, we plaintiffs had actually sent two cautionary letters to OFC Board members before our lawsuit was even filed. The Board defendants had every opportunity to act in the best interests of our community and the OFC.

We must also inform others that our legal action has been filed on behalf of **ALL** Olympia Food Co-op members and against the 16 Board members who comprised the 2010 and 2011 OFC Boards. If the plaintiffs prevail in this case, any awards received will go directly to the Olympia Food Co-op and not to any plaintiffs.

I'd like to see how we can strategize our next steps. While the Board defendants and their BDS allies now keep suggesting that this boycott issue should be brought to an OFC membership vote, this is still against the Boycott Policy adopted in 1993. Also, if a vote were to be taken today, we are far outnumbered since the BDS has actively recruited additional supporters by carpooling students from the Evergreen campus to the OFC stores and also bringing OFC membership applications to these students in an effort to increase pro-boycott numbers within the OFC membership. Plus, BDS has been holding anti-Israel and pro-boycott presentations at public venues and at TESC to further their campaign against Israel. This has resulted in more proselytizing and indoctrination in our already vulnerable community.

If you think that a conference call among us and any other supporters would be useful, Kent and I can use our GoToMeeting account and schedule an upcoming call. We'll need to move quickly since our Court hearing is in four days!

Because you've all received last week's IAN trainings, I look to you for some suggestions, help, and guidance. Thanks so much!

The eyes of the world are upon us and our community. As the Olympia BDS website and notice (below) state:

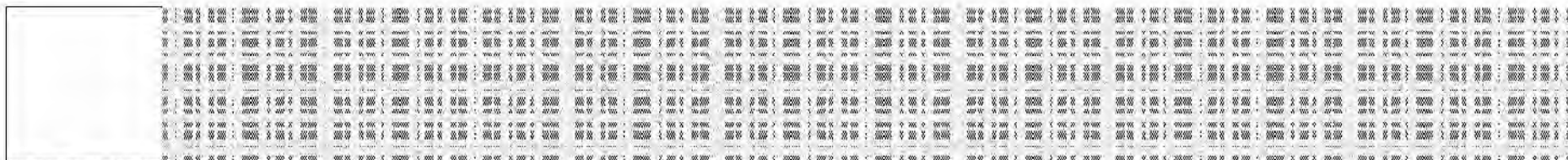
"The lawsuit against the Co-op has been launched in the context of increasingly belligerent backlash against the burgeoning global movement for Palestinian rights, and the outcome of this lawsuit will have profound implications, not only for the rights of communities to engage in BDS, but for the rights of all kinds of movements to take stands against injustice."

I hope we can mount an effective counter-campaign! Many thanks for your help! Please let me hear from you soon!

Warmest regards,

Linda

From: Olympia BDS [mailto:contact@olympiabds.org]
Sent: Saturday, February 18, 2012 7:57 PM
To: --
Subject: This Upcoming Thursday: First Co-op Court Hearing



THIS THURSDAY: FIRST CO-OP COURT HEARING, COME SHOW SUPPORT

DATE CONFIRMED:

COME SHOW YOUR SUPPORT FOR THE CO-OP AT
THE FIRST COURT HEARING IN ANTI-BDS LAWSUIT

SIGNATURE:



When: Thursday, February 23, 9 AM

Where: Thurston County Superior Court (map)

Finally, there is a new date for the first hearing in the lawsuit brought against board members of the Olympia Food Co-op as a result of their decision to boycott Israeli products. This particular hearing will address a motion to

SUPPORT THE CO-OP'S #RIGHTTOBOYCOTT:

ASK YOUR ORGANIZATION, CLUB OR BUSINESS
TO SIGN THE STATEMENT OF SOLIDARITY

*** ENDORSE THE LETTER HERE ***

SIGNATURE:



We, the undersigned, stand in solidarity with the Olympia Food Co-op, and condemn the lawsuit filed against the Co-op in an attempt to undermine the Co-op's commitment to social justice by way of legal and financial

strike the lawsuit. The motion was filed in November by attorneys from the Center for Constitutional Rights (CCR) and Davis Wright Tremaine LLP on behalf of the Co-op board members being sued. Maria Lalloo, Senior Staff Attorney with the Center for Constitutional Rights states:

"We hope the court will strike down this effort to silence the Co-op's principled stand on Israel's human rights violations. Allegations that the Co-op Board acted beyond its power are a thinly-veiled attempt to stop concerned citizens from using a nonviolent and historical tool for social change."

This case is being watched worldwide and will have significance well beyond Olympia. It is important that locally we demonstrate our support for the Olympia Food Co-op and the sixteen Co-op board defendants and do so visibly. Those of us who stand in solidarity with the Co-op's historic boycott of israeli goods until Israel complies with international law are issuing a call for support.

intimidation. We call on the plaintiffs to exercise the Co-op's democratic option -- bringing the boycott of israeli goods to a member vote -- instead of launching an aggressive lawsuit which seriously threatens the well-being of a cornerstone of the Olympia community.

» Read the full letter of support, and have **your organization** endorse the letter...

CONNECT

Solidarity!

www.olympiabds.org | contact@olympiabds.org

If you don't want to receive any more newsletters or action alerts, send us an email to unsubscribe.



Exhibit E

From: "Linda Sternhill Davis" <lrsdavis@dreamlinque.net>
To: "***Linda Sternhill Davis***" <IslandDiva922@gmail.com>
Date: 12/28/2010 2:25:54 PM
Subject: FW: Article from MyNorthwest.com

From: Linda Sternhill Davis [mailto:lrsdavis@dreamlinque.net]
Sent: Tuesday, November 09, 2010 9:56 PM
To: Debbie Bellon (debbieandroy@yahoo.com); Gail Rubin (gamarub@aol.com)
Subject: Article from MyNorthwest.com

CONFIDENTIAL – THANKS!

Hi Debbie and Gail,

I thought you both might be interested in this article that was posted yesterday at
http://www.mynorthwest.com/category/local_news_articles/2010/11/03/170-Israel-students-harassed-leave-Evergreen-State/

Akiva Tor, Israeli Consul General for the Pacific Northwest, came to Olympia on Sunday (November 7th) and met with a few dozen of us regarding the problems against Israel and against Jews we've been facing here.

Kent and I met privately with him for a half hour before he made an informative presentation about Israel to members of the reconstructionist congregation Temple Beth Hatfiloh. Then he met with those of us who want to take action against the Olympia BDS movement and to rescind the Food Co-op Board's boycott -- beyond the placatingly ineffective efforts of the It's Our Co-op (IOC) group that has, up until now, claimed to be the voice of those of us who are against this boycott.

A growing number of us have been very troubled that the IOC has been unsuccessful and unproductive and, apparently, these self-identified "community leaders" only want to address the boycott and work towards healing our fractured community. The IOC does not want to go beyond these goals to defend Israel or even work towards educating others about Israel in our community and countering the slanted, poisoning, and one-sided propaganda and indoctrination from certain Evergreen professors, the Rachel Corrie Foundation, and the BDS movement which others here have been absorbing.

This article (below and via link) is the result of Akiva's visit. In addition to his presentation on Sunday and his meetings with us and other interested, action-oriented folks, he met with Hillel students from the Evergreen campus.

Even our daughter, who isn't involved in Hillel, has been harassed on campus and ostracized by friends who think that her parents don't care about the "suffering" Palestinians because we oppose the boycott and are both running for seats on the Olympia Food Co-op Board as an alternative to some very

openly pro-BDS candidates.

The environment at Evergreen has become increasingly toxic, and Amanda was so concerned about threats and reprisals that she asked us to remove ourselves from being involved so none of us would be targets. Isn't that a shame and concern, especially at a school that professes to put acceptance and tolerance high on its list of objectives?

There are currently a handful of Evergreen faculty members who are working with top-level administrators towards providing a balance and more tolerance on campus. One of the efforts, to bring in a visiting professor in Jewish history or Jewish studies, is an academic matter, with the aim of strengthening the college's overall curriculum and reinforcing its commitment to diversity. Discussions to hire a faculty member in this field have been ongoing (on and off) for probably a decade. The discussions rise up and fade with the times, but it's time for it to rise again, in the view of at least a dozen other faculty members. The case they are making is primarily intellectual and pedagogical, in keeping with the mission of the College. This kind of effort takes time, patience, and care. It won't happen quickly, but it may very well happen if cool heads and respectful discussion take place.

In the meantime, there are a growing number of intimidated students at Evergreen, along with troubled and angry parents, alumni and others who are extremely upset by the tone and threats on campus. Stand With Us in Seattle has been working quite effectively and we have every hope that this situation will change sooner than later.

You can share the URL I've provided with others, but I'd appreciate having you treat the rest of this email as confidential. I don't want others to know what kind of strategizing and organizing has been going on or what we're planning for Evergreen, etc., and I don't want Amanda to be further traumatized if her plight went public.

Thanks so much!

Warmest Hugs,

Linda

MyNorthwest

[Return to MyNorthwest.com](http://MyNorthwest.com)

From: "Rob Jacobs" <Rob.Jacobs@StandWithUs.com>
To: "Linda Davis" <lrsvdavis@dreamlinque.net>
"Linda Davis" <idealist@comcast.net>
"Kent Davis" <ktdavis@Tech4law.com>
CC: moji@thumbprintcorp.com
"David Bolnick" <dave@thumbprintcorp.com>
Date: 11/11/2010 3:30:50 PM
Subject: We need your help . . .

Linda and Kent,

Would it be possible to have a film crew interview the three of you individually Monday afternoon (November 15)? We need the film for two reasons:

First, because we are putting together a "prophylactic package" of material, including a video, that we will be sending out to every co-op board that has contact information on the web. The idea is to get ahead of the BDS movement – to show the boards how divisive and damaging the BDS boycott efforts are – to convince them that they want nothing to do with it. We'll also be providing positive ways to invest in peace.

For this piece of film, we'd want you to talk about why you got involved and how damaging this boycott campaign was to personal relationships you may have had, how hurtful it was, how it set people who had worked together well for years against each other.

Second, we'd like to get a small bit of tape for our annual fundraising event that is coming up on November 18. What we'd like to talk about for this piece of video is your role in the opposition to the boycott resolution, how helpful StandWithUs was, how StandWithUs helped coordinate the involvement of outside speakers, etc. How committed we were, the hours we put in, etc.

Would you be available for filming in Olympia? We'd send the film crew to you. We're trying to arrange it for the afternoon because in the morning they'll be interviewing the leaders of the opposition in Port Townsend.

Please let me know if you can help us out. It's very important to us.

Oh, and though I know you've received email invites already, let me invite you once more to come join us on November 18 in Bellevue. I'd love to announce at the event that we have some of the leaders of the anti-boycott effort from Olympia with us and to acknowledge your tremendous work.

Again, let me know if (please please please) Monday afternoon can work for you.

Yours,

Rob

Robert Jacobs
Northwest Regional Director
Rob.Jacobs@StandWithUs.com

StandWithUs Northwest
1907 E Highland Drive, #7
Seattle, WA 98112
206.801.0902
<http://www.StandWithUs.com/Northwest>



From: "Kent L. Davis" <kldavis@Tech4law.com>
To: "Linda Sternhill" <Davis>
Date: 10/28/2010 2:59:46 PM
Subject: Action group meeting with Akiva Tor

Hi all,

Akiva Tor, the Consul General of Israel will be visiting with various temple congregations in early November. He is scheduled to meet with the congregation of Temple Betfiloh on Sunday, November 7, between 10:00 AM and 11:00 AM in the sanctuary of the temple.

Akiva Tor contacted Laura Schragar and expressed interest in meeting with those individuals who are actively involved in fighting the boycott in Olympia. The IOC Steering Committee (for lack of any volunteers) handed off the responsibility for arranging this meeting to me.

I spoke to Akiva Tor's office and arranged a meeting between the Consul General and the Action group (and any members from the IOC who also wish to attend) immediately following his talk with the Temple Betfiloh congregation. Our meeting will take place between 11:00 AM and 12:30 PM. Since we do not want to lose any time traveling to different venues, we will also meet at the temple.

There are still some arrangements that need to be made to make sure that our meeting with Akiva Tor is private. He emphasized that he wishes to meet with people who are actually active, and not people who only participate in meetings and listserves. The challenge will be to limit participation to the Consul General's definition without alienating or disenfranchising anyone else.

I will keep you posted as the details become available.

Thank you!

Kent L. Davis

From: "Linda Sternhill Davis" <lrsdavis@dreamlinque.net>
To: Northwest.RSVP@StandWithUs.com
CC: "Kent L. Davis" <kldavis@tech4law.com>
"Carolyn Hathaway" <carolynhat@comcast.net>
Date: 12/5/2010 12:11:25 PM
Subject: December 13th RSVP

Hi Carolyn and Rob,

Kent and I currently have a calendar conflict for this December 13th date, but we'll see if we can make some scheduling changes in order to be part of this meeting and partake in your hospitality.

In the event that we can't attend in person, would it be possible for us to use a dial-in number and hear your reports and updates by phone?

I also wanted to mention that Kent received this invitation, but nothing was sent to me. Thankfully, he brought this to my attention, but I want to make sure that I'm included on your email distribution list for future invitations and communications, etc. You can use my idealist@comcast.net email address.

Thanks so much!

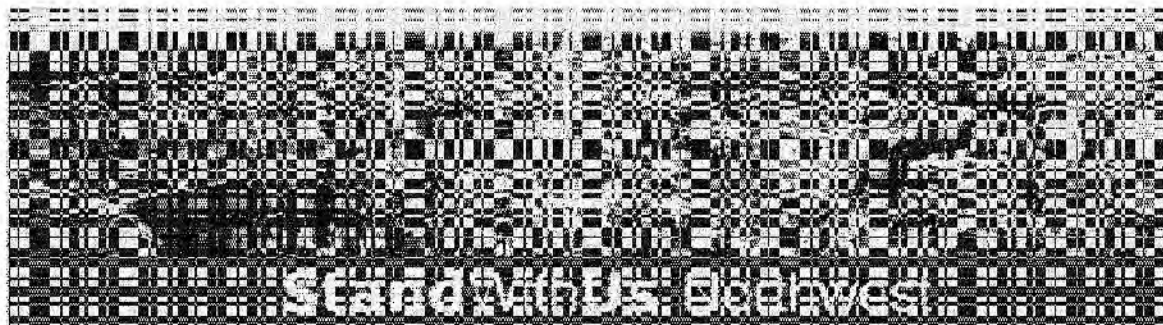
Warmly,

Linda

From: Rob Jacobs [<mailto:robjacobs@standwithus.com>]
Sent: Saturday, December 04, 2010 9:30 PM
To: Kent L. Davis
Subject: Date Correction - SWU NW Activists! Meet SWU Shaliach Assaf Nisenboym

If this email does not format correctly, please [click here](#)

StandWithUs Northwest Activist Invite December 3, 2010



Education is the Road to Peace

DATE CORRECTION

The next **StandWithUs** Northwest Activist meeting is Monday, December 13, 2010, a week from this coming Monday. We apologize for the typo. The invite below is now corrected.

We hope to see you there!

It's again been a bit over three months since we last met to provide our activists an update on activities, an opportunity to share ideas, and a briefing . . . So we want to take this occasion and the holiday season to invite everyone to the last activist meeting of 2010 and an opportunity to meet Assaf Nisenboym, our **StandWithUs** Pacific Northwest shaliach.

*Feel free to let others know about this meeting and forward it on to anyone who would be interested in getting an informal **StandWithUs** update.*

Invite to a **StandWithUs Northwest Activist Meeting**

Monday, Dec 13, 2010 at 7:30pm

Hosted by Carolyn and Dan Hathaway

8828 NE 34th Street
Yarrow Point, WA

[Click here for a Google map](#)

Besides a chance to meet Assaf Nisenboym, we'll have updates on:

1. The threat of the International Boycott, Divestment and Sanctions Movement (the BDS movement)
2. **The status of the Olympia/SWU lawsuit against the Olympia Food Co-op**
3. The status of BDS boycott efforts in Olympia, Spokane, Portland, Seattle and other locations
4. An update on our work on the Evergreen Campus
5. Energizing the Jewish community to actively oppose the BDS movement
6. And, finally, a chance to welcome back our wandering Co-Chair, Sharon Finegold and her lovely husband Larry.

Please break with Seattle tradition and RSVP to Northwest.RSVP@StandWithUs.com. We'd love to know how many people are coming . . .

Looking forward to seeing you.

Rob Jacobs and Carolyn Hathaway

Regional Director and Regional Co-Chair

StandWithUs Northwest

1907 E Highland Dr, Suite 7

Seattle, WA 98112

206.801.0903

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StandWithUs Northwest | 1907 E Highland Drive | Suite 7 | Seattle | WA | 98112

Exhibit F

From: "Rob Jacobs" <Rob.Jacobs@StandWithUs.com>
To: "Linda Stemhill Davis" <lrsvdavis@dreamlinque.net>
"Carolyn Hathaway" <carolynhat@comcast.net>
CC: "Kent L. Davis" <kldavis@tech4law.com>
Date: 10/25/2010 3:37:51 PM
Subject: RE: thoughts on OFC sales figures and rumors

Linda, I did contact them and pushback. I can copy you on the email or bring a copy down with me tomorrow.

Rob

Robert Jacobs
Northwest Regional Director
Rob.Jacobs@StandWithUs.com

StandWithUs Northwest

P.O. Box 31262

Seattle, WA 98103

206.548.4350

<http://www.StandWithUs.com/Northwest>



From: Linda Stemhill Davis [mailto:lrsvdavis@dreamlinque.net]
Sent: Monday, October 25, 2010 1:22 PM
To: 'Carolyn Hathaway'
Cc: 'Rob Jacobs'; 'Kent L. Davis'
Subject: RE: thoughts on OFC sales figures and rumors

CONFIDENTIAL – THANKS!

Hi Carolyn and Rob,

In answer to your question about boycotting the boycotters, Carolyn, our Action Committee and some IOC Steering Committee members have personally chosen to boycott the OFC and to informally ask friends, family members, neighbors and others to shop elsewhere until the OFC Board rescinds its boycott. However, there hasn't, to date, been any formal "campaign" to boycott the OFC.

Kent and I and others have stopped shopping at both Co-op stores, so I hope the OFC's bottom line IS being affected by a drop in sales. Of course, this could be offset by the new pro-boycott Co-op members that have been recruited and driven (both literally and figuratively) to join and shop at the OFC stores by BDS activists on the Evergreen campus.

If there *has* been a drop in revenue, this could certainly help our potential legal action where we could show that the OFC Board, in making its unilateral boycott decision, was in breach of its fiduciary duties and responsibilities to OFC shareholders, etc.

Plus, with the anticipated expansion to a third OFC store in downtown Olympia, if we had a members-initiated boycott of the two existing stores, this could certainly have an impact! Surveys had been sent in the past to OFC members about this proposed third store, and I'm sure that the project's actual progress rests on meeting the projections of financial donations/contributions solicited and estimated sales at this third store. All of this would, obviously, change with a concerted "boycott the boycotters" effort.

With regard to yesterday afternoon's IOC community meeting #2 at TBH, Kent and I and about 25 to 30 others (more generously estimated by Laura Schrager as 50) attended. We're glad you didn't waste your time or your fuel to make this long roundtrip drive. While the Candidates Forum which took place from approximately 3:30 to 5:00 P.M. was valuable, the earlier part of the meeting seemed to have a complete lack of purpose.

The informative five-page White Paper (attached) on food co-ops around the U.S. and their boycott policies which had been excellently prepared by Sam Schrager was a good resource, but instead of offering an oral report or something substantive, we were told to sit at smaller tables and discuss what we liked or didn't like about these other food co-ops and their boycott policies. While this was all well and good, most attendees hadn't read this document in advance, so a lot of time was wasted by those who weren't quite as prepared as others. Also, there was no stated purpose or reason for this "exercise." We wrote our comments with colored marking pens on large butcher paper sheets which were later posted on walls for everyone to silently read; however, none of us had a clue about where this was leading or what purpose this served. Thankfully, the Candidates Forum was much more instructive.

Out of the 15 (now 14) candidates running for the five seats on the OFC Board, ten of us were present yesterday and two who couldn't attend sent in their written statements which were read aloud by Laura Schrager. We each had five minutes in which to address the audience with an agreed "no questions and answers" period. If candidates wanted to stay beyond the end of the meeting to answer questions, it was up to each person individually.

Candidates were called to speak in reverse alphabetical order which was interesting to Kent and me who are usually at the start of the pack. Unfortunately, however, because so many pro-boycott candidates had gone well beyond their allotted five minutes (even with Hava holding up large countdown signs), when it came to the last of us, we had to make very brief presentations. It was fine with the two of us since we didn't have prepared speeches anyways. Even as we entered the room yesterday, Kent and I weren't sure that we would still continue to run. But as you and others have mentioned, our pulling out would only give strength to the BDSers, so we didn't want them to claim another victory -- or casualty.

It winds up, anyways, that Susan Schaeffer, the excellent candidate who wrote that good, strong letter to the editor of the *News Tribune* in August in opposition to the boycott has pulled out of this race. With her school schedule and commitments, she won't be able to attend most OFC Board meetings, so she has withdrawn as a Board candidate. Her written statement that was read by Laura was, again, very eloquent. We thought Susan was Jewish, but apparently, she's a Christian who is very upset over the Israeli boycott and the way in which it was enacted. I've sent Susan an email, hoping that we can remain in touch, and I've mentioned the Tuesday meeting in Olympia. I've asked her to contact me for further details and I sense that she would be a great addition to our Action-Education Team.

As you'll remember, Wally Cuddeford, an original candidate, has also removed his candidacy. We think it's because the Olympia BDS activists didn't include him as one of their five endorsed candidates. We've been surprised that TJ Johnson was one of the BDS endorsees. As a former City Council member and someone who has been very active in other capacities in our community, TJ is an experienced candidate. However, he currently receives a salary from the OFC as head coordinator of the expansion project. If elected to the OFC Board, I wonder if this would affect him and/or his decisions.

TJ is very articulate and has many friends and supporters in the progressive community in Olympia. While on the City Council, he sided with pro-Palestinian groups and individuals who sought to have an official sister city relationship between Olympia and Rafah. Based on TJ's support, the Rachel Corrie Foundation and others were emboldened to create the Solidarity Wall mural. (Unbeknownst to most of us here, additional leaves are still being added to this mural although photos and descriptions may or may not be posted at the mural's main website at <http://olympiarafahmural.org/>.) Kent and I and others have some serious concerns about TJ and his unstated and underlying motives for running for an OFC Board seat. We've been told confidentially by insiders that TJ wants to change the nature of our collective, etc., so he might have some "serious 'splainin' to do, Lucy!" <wink> I hope we can discuss this further. Thanks!

Videographer and documentary filmmaker Kathy Strauss taped most of yesterday's proceedings, including the candidates' statements; however, I don't think she'll have her film edited and produced before the current Board election ends. Laura Schrage used a hand-held dictation device to record each candidate's presentation yesterday, and she plans to eventually make these recordings available online at the IOC website at <http://itsourcoop.org/>. Hopefully, she'll get these posted in a timely way, but based on our past experiences with Laura, Kent and I aren't holding our breaths. It would still be extremely helpful if we could refer others who are now contacting us and refer them to these IOC-posted recordings. I hope we can move Laura to act quickly.

Laura was and is troubled by the low turnout at yesterday's meeting. Kent and I thought it was actually very good, especially considering that meeting notices didn't go out until Wednesday or Thursday for Sunday's meeting (even though Laura and the IOC knew about this August 24th date for about a month or longer). I guess we can learn from her/their mistakes. <sigh>

It was very telling, BTW, that few from our Action Committee attended. Noticeably absent were Tibor, Susan Mayer, Eran, and others who have been so vocal and in-your-face.

During introductions yesterday, Laura made a special announcement about the November 21st IOC event featuring Ellis Goldberg, so if Rob is going to contact Laura and possibly Seth Goldstein to suggest that they reconsider this guest speaker (who might set back our efforts), please

offer your comments sooner than later and certainly before any official publicity is sent out. Many thanks!

Oh, speaking of Laura again, at yesterday's meeting, she went to great effort to repeatedly thank the pro-boycott Board candidates for attending and giving their presentations. Many of us are SO tired of these oozing Kumbayah outreaches to the "other" side! When incumbent candidate Eric Mapes mentioned in his talk that he hadn't prepared a formal presentation because he just found out about this Candidates Forum, Laura was sickeningly apologetic. All candidates had received adequate notification in advance, so if Eric failed to read his emails, that's HIS problem! Yet, Laura repeatedly tried to mollify and apologize. Many of us were ready to barf! What's WITH these people?!!

I hope all of this is helpful/useful. If I've left anything out of this summary/commentary, I hope Kent and others at tomorrow's planning meeting will add their feedback.

We look forward to seeing both of you tomorrow. Thank you so much for your involvement!

All the Best,

Linda

CONFIDENTIAL – THANKS!

Please do NOT forward this email and/or its contents or attachment(s) to others without advance permission from this sender. Thank you!

From: Carolyn Hathaway [mailto:carolynhat@comcast.net]
Sent: Monday, October 25, 2010 11:27 AM
To: Linda Sternhill Davis
Cc: Rob Jacobs; Kent L. Davis
Subject: Re: thoughts on OFC sales figures and rumors

Interesting -- do you know if the community has ever been formally asked to boycott the coop?

Also did you go to the meeting at the ion yesterday?

Thanks so much, Linda!

Sent from my iPad

On Oct 25, 2010, at 11:08 AM, "Linda Sternhill Davis" <lrsdavis@dreamlinque.net> wrote:

CONFIDENTIAL – THANKS!

Please do NOT forward this email and/or its contents or attachment(s) to others without advance permission from this sender. Thank you!

Hi Rob and Carolyn,

Kent and I look forward to seeing both of you in Olympia tomorrow. Thanks for all your help!

Below is an email from one of the IOC Steering Committee members. I'm forwarding it to you in case you're planning to suggest a boycott of the OIC stores as part of our strategic planning. As soon as David or others on the IOC obtain actual figures from the OFC, I can forward these to you. Just let me know if this information will be helpful. Many thanks!

As always, please treat this message as confidential since I haven't receive advance permission to forward it to you.

Thanks so much!

Warmly,

Linda

-----Original Message-----

From: David Scherer Water [mailto:david.scherer.water@gmail.com]

Sent: Monday, October 25, 2010 9:51 AM

To: Yohanna Kinberg; Jeff; Linda Davis; Victoria; Jim Bamberger; Harriet Strasberg; Nancy Koppelman; Nina Berenfeld; lynnstockwell stockwell; Laura Schragger; Andy&Brian; Susan Rosen; Danny Kadden; Rabbi Seth Goldstein; Marna Sapsowitz; David Scherer Water; Evan; Sam Schragger; Kent L. Davis; The Chabad Jewish Discovery Center; Hava Aviv

Subject: thoughts on OFC sales figures and rumors

I spoke on the phone with OFC Bookkeeper Corey Mayer this morning and asked if he could help me address conflicting rumors of OFC numbers for the period July 15-present, "the boycott period". Corey explained that final numbers for the 3Q will be available in two weeks and that I could talk to him then or wait until mid-December when the next newsletter comes out.

He went on to explain that from his analysis of the monthly and weekly cash reports there are certain departments where sales are sharply down, however, overall OFC is on track to meet its overall budgeted targets, however, only barely. That is, there were increases in certain departments that just made up for the losses.

According to page 13 of the OFC newsletter, at the end of the first half, OFC had a 216K surplus, that's a whopping 170K above it's projected 46K surplus. In light of this healthy surplus from the first half, this "only barely" comment makes me wonder why several OFC Board members have said, "sales have been strong since the boycott."

Is this spin? If so, is the spin helpful?

I think the answer to this last question is yes and no. That is, I'm concerned that all scenarios (up, down, flat) have liabilities. If numbers are up, what does that say about the role of the boycott? If numbers are down, could that cause a backlash in the form of a BDS- sponsored OFC shopping campaign? If numbers are flat, what does that say about the state of our community?

David

Exhibit G

From: Oly-Action@yahoogroups.com
To: Oly-Action@yahoogroups.com
Date: 10/4/2010 8:33:15 PM
Subject: [Oly-Action] OFC Newsletter + OFC Board Elections
Attachments: [Olympia Food Co-op Newsletter - Oct. 2010.pdf](#)

Dear Action Committee Members,

The October/November issue of the Olympia Food Co-op's newsletter is out now, and a PDF copy is attached to this email. This bimonthly publication can also be accessed online directly at <http://www.olympiafood.coop/currentnews.pdf>, and printed copies can be picked up at the two Co-op stores. This issue contains ballots for the upcoming OFC Board election.

In this current "Co-op News" edition, there are several articles regarding the OFC Board boycott, It's Our Co-op (IOC), and related topics. There are also candidates' statements for the 16 people who are running for the five available Board positions. The election period runs from October 15th through November 15th, with a "meet the candidates" event that's part of the OFC Annual Meeting scheduled for November 7th.

There are four candidates for these five OFC Board positions who disagree with the July 15th OFC Board boycott and process including (in alphabetical order): Kent Davis, Linda Davis, Andrea Lipper and Susan Trinin. If you could please encourage friends, family members, neighbors, co-workers and others who are members of the Olympia Food Co-op to please vote for these four candidates, we'd really appreciate your help!

There are other candidates who are admitted BDS and/or boycott supporters including Wally Cuddeford, Rochelle Gause, Erin Genia, and John Regan (and perhaps others), as well as two current OFC Board members, Suzanne Shafer and Eric Mapes, who had voted for this boycott and are running for re-election. Suzanne has been adamant about maintaining the boycott, but Eric has been quieter in expressing his views following his decision to enact this boycott.

Since some of us may be unfamiliar with these candidates, we'd appreciate hearing from others here about where these mentioned and remaining candidates stand with regard to the OFC boycott decision. Additional candidates include: Karen Bray, Kim Henderson, TJ Johnson, Susan Schaeffer, Joshua Simpson and Teresa Young. This information would be very helpful as we plan campaigns to elect candidates who are not BDS and boycott supporters. Many thanks, in advance!

We're aware of the fact that local BDS activists have been recruiting and transporting fellow BDS supporters to the two Food Co-op stores to register additional OFC members for this election and to keep the boycott in place. In addition, BDS organizers are falsely claiming that some candidates are one-issue candidates who are running for Board positions only because they are against the OFC Board boycott. Kent, Andrea, Susan Trinin, and I have all considered running for the OFC Board even before this boycott decision was made, and Susan has actually served on the OFC Board in the past.

OFC members can vote for five candidates (out of the 16 running) between this October 15th through November 15th election period, and while the OFC Annual Meeting on November 7th will provide an opportunity for OFC members to meet with Board candidates, this will take place well beyond the start of the voting process.

We, therefore, need to start some effective campaigning sooner than later. If others here have an interest in helping out in this way, please get back to me/us at idealist@comcast.net. We're going to work to pull our four candidates who are against the Board's boycott through to victory -- and help to bring some needed healing to our Co-op and community!

Thanks, in advance, for your help and support! Together, we can make a difference!

Warmest regards,

Linda

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Exhibit H

From: RL Vatske Lavigne <[REDACTED]>
To: Suzanne Shafer <[REDACTED]>
CC: Rob Richards <[REDACTED]>; Jackie Krzyzek <[REDACTED]>; Eric Mapes <[REDACTED]>; grace cox <[REDACTED]>; jessica laing <[REDACTED]>; Joellen Wilhelm <[REDACTED]>; John nason <[REDACTED]>; Julia Sokoloff <[REDACTED]>; [REDACTED] <[REDACTED]@olympiafood.coop>
Sent: 12/13/2010 11:50:51 PM
Subject: Re: Caution: May be a little reactionary.

Sea level rise was one of the site selection criteria and our preferred site would have been screened out if sea rise at that site was an issue. TJ was a big proponent of the sea level rise criteria and he should know that was not an issue that led us to reconsider expansion.

Nor was the boycott ever an issue.

As TJ knows, the main issue was a concern that the expansion would not pencil out. Members of the finance committee and the Board consistently raised this concern and I'm surprised it didn't even merit recognition in TJ's story.

I agree that we probably need to do something to correct TJ's misrepresentation.

ron

On Dec 13, 2010, at 8:33 PM, Suzanne Shafer wrote:

> Fine then. Who's gonna apply for it?

>

> Seriously tho, I do feel somewhat misrepresented re the boycott
> being on the list for the reasons Jackie set out. And somewhat
> alarmed. Plus the order of the list (parking was BIG), and the lack
> of mentioning: reconsidering the general wisdom of carrying over \$8
> million in debt, that it looked like we'd could not get a bank loan,
> that the Finance Committee was lukewarm about the financial
> prospects of proposed expansion, and that we would not have the \$\$
> to expand without raising prices. Those made the cut of worries to
> stop/slow expansion as we had previously thot of it. I remember us
> checking re the boycott and sales, with no worries there. And I
> remember me fussing about sea level rise, but not to an entirely
> adoring audience. So, I'm confused how those last 2 items got on the
> list. I wonder if TJ has minutes or notes from a meeting or
> discussions I've forgotten.

>

> More thots and ruminations from the crew?

>

> Yours truly,

> Suzanne

>

>

> -----Original Message-----

> From: Rob Richards [mailto:[REDACTED]]

> Sent: Mon 12/13/2010 6:46 PM

> To: Jackie Krzyzek

> Cc: Eric Mapes; grace cox; jessica laing; Joellen Wilhelm; john

> nason; Julia Sokoloff; ron lavigne; Suzanne Shafer; [REDACTED]

> Subject: Re: Caution: May be a little reactionary.

>

> It's a state park, we'll have to get a permit.

>

> On Mon, Dec 13, 2010 at 1:18 PM, Jackie Krzyzek <[REDACTED]>

> wrote:

>

>> Hi folks,

>>

>> I saw TJ's article in the new issue of the co-op news and I feel

>> misrepresented. In case you haven't read it it's about expansion

>> and he
>> lists the reasons that we decided to put off expansion. The list is:
>>
>> 1.The recession
>> 2. Organizational readiness
>> 3. Parking
>> 4. Sea Level Rise
>> 5. "The uncertain impact of the recently adopted boycott of Israeli
>> products"
>>
>> I don't remember us saying that we think the boycott is going to
>> make us
>> lose so many members that we can't expand. In fact, if I thought
>> that the
>> boycott was such a large risk to the long term health of the
>> business than I
>> would want to rescind it. I remember asking about the numbers to
>> see if the
>> boycott was having impact on sales. Does anyone else think number
>> five is
>> accurate?
>>
>> I have two concerns. One is that I'm worried that people who read
>> this
>> will question the decision making at the co-op on the board level
>> and it
>> will fuel the fire that accuses us of having personal agendas with
>> regards
>> to the boycott.
>>
>> The other concern is more legally based, there has been talk about
>> forming
>> a law suit against the board (or the Co-op, not sure how that
>> works) in
>> relation to this boycott. While I haven't been too worried about
>> it, I
>> think that something like this could prove that we weren't acting
>> in the
>> best interest of the organization if we knew/thought the boycott was
>> impacting it on such a huge scale. I'm not sure if this is a sound
>> concern,
>> but it seems like a legit argument.
>>
>> I think that I feel so misrepresented that I want to do something
>> about
>> it.
>> Some ideas are:
>> A note in the blog
>> A correction in the next newsletter
>> Tar and Feather TJ in the town common (Sylvester Park?)
>>
>> I'm interested to hear what you guys think,
>> Jackie
>>
>>
>

From: Julia Sokoloff <[REDACTED]>
To: Suzanne Shafer <[REDACTED]>
CC: Rob Richards <[REDACTED]@olympiafood.coop>; Joellen Reineck Wilhelm <[REDACTED]@olympiafood.coop>; John Nason <[REDACTED]>; Grace Cox <grace@olympiafood.coop>; Jackie Krzyzek <[REDACTED]>; jessica laing <[REDACTED]>; Ron Lavigne <[REDACTED]>; eric mapes <[REDACTED]>; Jayne Kaszynski <[REDACTED]>
Sent: 12/16/2010 5:55:27 PM
Subject: Re: Proposed Board Agenda 12.16.2010 TAKE TWO

Just a quick weigh in:

agree with criticisms of TJ's piece -- did not accurately reflect our discussion.

i'm sorry as the newsletter person that i missed it. i didn't read his report prior to going to print. my bad.

we should probably discuss both with and without TJ present, doing all we can to avoid adversarial

I like Rob's suggestion a lot. Perhaps it could be next issues' BOD report. I'd be willing to work on this, with help.

julia

On Thu, Dec 16, 2010 at 10:22 AM, Suzanne Shafer <[REDACTED]> wrote:
Sounds good. I've no personal interest in being adversarial. I am interested in addressing the issue before we dissolve, but maybe that's just me. Happy to be mistaken on this one. Just let me know. Thanks,
Suzanne

-----Original Message-----

From: Rob Richards [mailto:[REDACTED]]
Sent: Wed 12/15/2010 4:52 PM
To: Suzanne Shafer
Cc: [REDACTED]@olympiafood.coop; Joellen Reineck Wilhelm; Julia Sokoloff; John Nason; Grace Cox; Jackie Krzyzek; jessica laing; Ron Lavigne; eric mapes; Jayne Kaszynski
Subject: Re: Proposed Board Agenda 12.16.2010 TAKE TWO

Let's come at it from a different angle, and maybe we can turn the work into a positive. Instead of just a response to TJ, perhaps we could craft an end of year 'State of the Cooperative' statement that talk about the bulk of our year of work and where we want to go in the next year. We can address expansion from our perspective that way, and then don't need to be adversarial. We're above getting into the muck.

On Wed, Dec 15, 2010 at 4:29 PM, Suzanne Shafer <[REDACTED]> wrote:

> Maybe not. However, this issue seems important to resolve, or at least to
> address, before this current Board dissolves as we are the ones who had the
> conversations and potential misunderstandings with TJ. Is there space on the
> agenda (sorry [REDACTED] to include it in the Exec session? I'd like the first
> go-round to be without TJ, and we could excuse him after the expansion
> discussion. Thots?
> Suzanne

>
>
> -----Original Message-----
> From: Rob Richards [mailto: [REDACTED]]
> Sent: Wed 12/15/2010 11:30 AM
> To: [REDACTED]@olympiafood.coop
> Cc: Joellen Reineck Wilhelm; Julia Sokoloff; John Nason; Grace Cox; Jackie
> Krzyzek; jessica laing; Ron Lavigne; eric mapes; Suzanne Shafer; Jayne
> Kaszynski
> Subject: Re: Proposed Board Agenda 12.16.2010 TAKE TWO

> I don't think he'll probably agree to do that.

> On Wed, Dec 15, 2010 at 10:27 AM, [REDACTED]@olympiafood.coop> wrote:

>> okay BPC stays
>> i will call Susan Trinin today and let her know that the only room on the
>> agenda is in the member comment section in which we will set aside five
>> minutes
>> i also will try and get more information from her
>>
>> as for the tj stuff...
>> there are no notes of this conversation
>> i remember someone bringing up the boycott....may be tj
>> and then the board dismissing this concern
>> i think information on the blog as well as a retraction or clarification
> in
>> the next expansion article
>> he aired it
>> he should bring it back in
>> just my sense

>> [REDACTED]
>>
>> ----- Original Message -----
>> Subject: Re: Proposed Board Agenda 12.16.2010 TAKE TWO
>> From: Joellen Reineck Wilhelm [REDACTED]
>> Date: Mon, December 13, 2010 8:23 pm
>> To: Suzanne Shafer < [REDACTED]>
>> Cc: "Julia Sokoloff" [REDACTED]
>> [REDACTED]@olympiafood.coop>, "John Nason" [REDACTED]
>> "Grace Cox" <grace@olympiafood.coop>, "Jackie Krzyzek"
>> [REDACTED], "jessica laing" < [REDACTED]>, "Ron
>> Lavigne" < [REDACTED]>, "eric mapes" < [REDACTED]>, "rob
>> richards" < [REDACTED]>

>> I third Julia's questions and want to keep the BPC report on with the
>> same reasons as stated by Suzanne.

>> Joellen

>> Joellen Reineck Wilhelm
>> [REDACTED]
>>

>>
>>
>> On Dec 13, 2010, at 10:44 AM, Suzanne Shafer wrote:
>>
>>> I second Julia's questions. Looks like she's waited until pretty
>>> late to ask for agenda time.
>>>
>>> I also like to hear from the BPC regularly, just to have a feel for
>>> how things are going generally in the stores, even if they don't
>>> have anything earthshaking. They are the closest thing we have to a
>>> general manager, and those lines of communication are best kept
>>> alive and open.
>>>
>>> Suzanne
>>>
>>>
>>> -----Original Message-----
>>> From: Julia Sokoloff [mailto: [REDACTED]
>>> [REDACTED]
>>>]
>>> Sent: Mon 12/13/2010 9:44 AM
>>> To: [REDACTED]@olympiafood.coop
>>> Cc: John Nason; Grace Cox; Jackie Krzyzek; jessica laing; Ron
>>> Lavigne; eric mapes; rob richards; Suzanne Shafer; Joellen Reineck
>>> Wilhelm
>>> Subject: Re: Proposed Board Agenda 12.16.2010 TAKE TWO
>>>
>>> what does Susan want to talk about? is there another way to address
>>> her
>>> issue?
>>>
>>> Julia
>>>
>>> On Sun, Dec 12, 2010 at 7:20 PM, [REDACTED]@olympiafood.coop> wrote:
>>>
>>>> the Eval CAT has cancelled their portion of the personnel executive
>>>> session
>>>>
>>>> please hold all information forwarded to you confidential
>>>>
>>>> there also has been another request for agenda time from Susan
>>>> Trinin,
>>>> she requested via phone for 10 min on the agenda to address the
>>>> elections.
>>>> she said she would settle for 5.
>>>> please weigh in
>>>> she is expecting an answer.
>>>>
>>>> i will check in with the BPC reps and see if they have an end of
>>>> the year
>>>> report or some such
>>>> And as of now anti oppression has been added
>>>> eval personnel dropped (25 min gained!)
>>>>

>>>> thanks

>>>> [REDACTED]

>>>> [REDACTED]

>>>> ----- Original Message -----

>>>> Subject: RE: Proposed Board Agenda 12.16.2010 TAKE TWO

>>>> From: John Nason <[REDACTED]>

>>>> Date: Sun, December 12, 2010 5:18 pm

>>>> To: Julia Sokoloff <[REDACTED]@olympiafood.coop>

>>>> Cc: Grace Cox <[REDACTED]@olympiafood.coop>, Jackie Krzyzek

>>>> [REDACTED], jessica laing <[REDACTED]>, Ron

>>>> Lavigne <[REDACTED]>, eric mapes <[REDACTED]>, rob

>>>> richards <[REDACTED]>, suzanne schafer

>>>> [REDACTED], Joellen Reineck Wilhelm

>>>> [REDACTED]

>>>> [REDACTED]

>>>> Hi [REDACTED] - I propose that we drop the BPC Report unless there is something

>>>> unusual to report - just in the interest of saving time....

>>>> John

>>>> [REDACTED]

>>>> --- On *Wed, 12/8/10, [REDACTED]@olympiafood.coop

>>>> [REDACTED]@olympiafood.coop>*wrote:

>>>> [REDACTED]

>>>> [REDACTED]

>>>> From: [REDACTED]@olympiafood.coop [REDACTED]@olympiafood.coop>

>>>> Subject: RE: Proposed Board Agenda 12.16.2010 TAKE TWO

>>>> To: "Julia Sokoloff" <[REDACTED]>

>>>> Cc: "John Nason" <[REDACTED]>, "Grace Cox" <

>>>> [REDACTED]@olympiafood.coop>, "Jackie Krzyzek" <[REDACTED]>, "

>>>> "jessica

>>>> laing" <[REDACTED]>, "Ron Lavigne" <[REDACTED]>, "

>>>> "eric

>>>> mapes" <[REDACTED]> "rob richards" <[REDACTED]>, "

>>>> "suzanne

>>>> schafer" <[REDACTED]>, "Joellen Reineck Wilhelm" <

>>>> [REDACTED]

>>>> Date: Wednesday, December 8, 2010, 10:45 PM

>>>> [REDACTED]

>>>> with anti oppression trainings...

>>>> [REDACTED]

>>>> ----- Original Message -----

>>>> Subject: Re: Proposed Board Agenda 12.16.2010

>>>> From: Julia Sokoloff <[REDACTED]>

>>>> [REDACTED]

>>>> [REDACTED]

>>>> [REDACTED]

>>>> Date: Wed, December 08, 2010 10:11 pm

>>>> To: [REDACTED]@olympiafood.coop<

>>>> [REDACTED]

>>>> [REDACTED]

>>>> Cc: John Nason <[REDACTED]>

>>>> [REDACTED]

>>>> [REDACTED]

>>>> Grace Cox

>>>> <grace@olympiafood.coop<
>> [REDACTED]=grace@olympiafood.coop
>>>> ,
>>>> Jackie Krzyzek [REDACTED]
>> [REDACTED]
>>>> ,
>>>> jessica
>>>> laing <[REDACTED]>
>> [REDACTED]
>>>> ,
>>>> Ron Lavigne [REDACTED]
>> [REDACTED]
>>>> ,
>>>> eric
>>>> mapes <[REDACTED]>
>> [REDACTED]
>>>> ,
>>>> rob richards <[REDACTED]>
>> [REDACTED]
>>>> ,
>>>> suzanne
>>>> schafer <[REDACTED]>
>>
>> [REDACTED]
>>>> ,
>>>> Joellen Reineck Wilhelm
>>>> [REDACTED]
>> [REDACTED]
>>>>
>>>>
>>>>
>>>> thanks [REDACTED]
>>>>
>>>> agenda looks good. we need to add anti-oppression trainings
>>>> please. The
>>>> education and outreach committee people are asking for guidance
>>>> from the
>>>> board about what we want.
>>>>
>>>> regarding food - I'm easy. something yummy. can we have wine again?
>>>> makes for a much more fun meeting! (just kidding, i know we
>>>> can't...)
>>>>
>>>> Julia
>>>>
>>>> On Wed, Dec 8, 2010 at 7:50 PM, [REDACTED]<[REDACTED]@olympiafood.coop<
>> [REDACTED]<[REDACTED]@olympiafood.coop
>>
>>>>> wrote:
>>>>
>>>> Hello Boardies
>>>> Here is the Agenda for the last board meeting for this board
>>>> Please send me your awesome ideas for food (pizza, thai,
>>>> burgers, what have

Exhibit I

What happened to the Downtown Store? **Board Report**

By **Julia Sokoloff**, Board Member

In August of 2010, the Board reluctantly agreed to put our plans toward a downtown store on hold for at least 6 months. In this month's Board Report, I'll provide some background about why we came to that disappointing decision.

By far the biggest issue was financial risk. Downtown real estate is expensive: the primary site we were looking at involved a \$9 million dollar loan. In the days of double-digit sales growth, this had seemed daunting (we'd never taken on significant debt previously) but feasible, and our conversations with commercial lenders had been positive. However, sales growth dropped after the financial crash of 2008, and remained low through 2009. Trader Joe's opening in August 2009 probably contributed to this. (Sales picked up in mid-2010 and have been strong since.) With uncertainty over the economy in general, and our Co-op's balance sheet in particular, taking on this level of debt felt like a profoundly unwise financial risk. The Finance Committee recommended against moving forward, and informal discussions with our lender indicated that with the most recent sales figures, we would not qualify for a commercial bank loan. We "ran the numbers" many times and kept coming to the same unhappy conclusion.

Several other issues and problems also contributed, though none nearly as much as the financial risks. The preferred site comes with very limited parking. We had hoped to solve this problem by

purchasing an adjacent parking lot, but the owner showed very little interest in selling to us, and was not willing to have further discussions until we were actually ready to make an offer. While some might see lack of parking as a benefit, because it encourages members to use alternative transportation, it also clearly can be a barrier to sales and profitability. Several other downtown sites we had considered were too small, too expensive for us, were in areas affected by sea level rise, or had other problems that made them unsuitable. We did look at scaled back options, such as purchasing a smaller portion of a building or renting a space, but these didn't pencil out either.

A final issue concerns our readiness as an organization to expand. We have been making steady progress in improving our processes to support a larger and more complex organization. An example of this is an accountability policy, written by Staff and recently consented to by all collective members, which spells out job expectations and a process to follow when a Staff member's job performance is not up to par. But more work still needs to be done before we feel equipped to take on a project of this scope.

Overall, we on the 2010 Board feel disappointed but also feel that we acted responsibly in our role as financial stewards of the organization. Now that the stores are back on stronger financial footing, we will be looking again at downtown expansion. Look for more encouraging news in 2011!

Exhibit J

From: Oly-Action@yahoogroups.com
To: Oly-Action@yahoogroups.com
Date: 11/11/2010 10:10:45 AM
Subject: [Oly-Action] Olympia Food Co-op Board Election

Last Chance to Vote for the Co-op Board: The Deadline is This Monday!

Dear Friends,

I've copied and pasted the above banner from an email sent today by the Olympia BDS movement to its email subscribers. We can use this, too!

Please remember that completed ballots are due by the close of business (9:00 P.M.) at either of the two Olympia Food Co-op stores on Monday, November 15th.

The four candidates who oppose the current Board's Israel boycott, and how it was passed, and what it means, would really appreciate your vote. We are (in alphabetical order):

Kent Davis

Linda Davis

Andrea Lipper

Susan Trinin

Since Co-op members can vote for five candidates, we feel that Teresa Young, who is boycott-neutral but, like the four of us, recognizes that damage has been done to our community by this boycott decision, would be a good fifth vote.

Susan Schaeffer, another opponent to the boycott has, unfortunately, withdrawn herself as a candidate.

Incumbents Eric Mapes and Suzanne Shafer, as well as the other remaining candidates, all support the boycott and have vowed to do everything possible to keep this boycott in place.

We need to have a fair and balanced Board that can put our Co-op first and not use it as a platform for international political issues that bring acrimony and discord to our community.

Thanks so much for your help and your vote! Attached is the Olympia Food Co-op ballot and ballot instructions*.

Please forward this email to others and ask them to vote in this very important election.

Thanks for your help, vote, and support!

Sincerest regards,

Linda

*These ballot instructions may be confusing. Simply place your completed ballot (you can vote for five candidates) in a blank envelope. Then, seal this envelope and place it in another envelope that shows your address. In this way, your Co-op membership can be confirmed, the outside envelope will be recycled, and your ballot inside the blank envelope will be counted. Many, many thanks!

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<h1>THE BALLOT</h1> <h2>Board of Directors</h2> <h3>2011-2012 2-year term</h3> <p><input checked="" type="checkbox"/> please check your preference (vote for FIVE candidates only)</p>	<input type="checkbox"/> Karen Bray	<input type="checkbox"/> Eric Adams
	<input type="checkbox"/> Kent Davis	<input type="checkbox"/> Dawn Page
	<input type="checkbox"/> UNHASOMH	<input type="checkbox"/> BILAH McNair
	<input type="checkbox"/> RICHIE Goss	<input type="checkbox"/> LEAH STAFF
	<input type="checkbox"/> Erin Genta	<input type="checkbox"/> Joshua Simpson
<input type="checkbox"/> Kim Henderson	<input type="checkbox"/> Susan Triffin	
<input type="checkbox"/> T. Johnson	<input type="checkbox"/> Teresa Young	
<input type="checkbox"/> Andrea Lujar		

Member Voting Procedure

1. Write your name and address on one of the envelopes provided.
2. Fill out this ballot, clip it out, and put it in the envelope.
3. Seal the envelope and drop it in the ballot box.

Or, if you would like to mail your ballot, be sure you fill in the address above on the return address. Mail to: Olympia Food Co-op, 211 Pacific Ave SE, Olympia, WA 98501

Only ballots in envelopes with members' names will be counted. Each member may vote at either state but not both. Elections will be held from October 15 through November 15. The election period ends November 15 at closing time.

Ballot Counting Procedure: The election coordinators will check to make sure the name on the envelope matches an active member on the membership list. To ensure voter confidentiality, all valid ballots will be removed from their envelopes and placed in a "Valid Ballot Box" to be counted later. Election results will be posted as soon as possible and on later than November 27.



BALLOT ON REVERSE SIDE

Exhibit K

1 SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

2

3 KENT L. and LINDA DAVIS; and)
4 SUSAN MAYER, derivatively on)
5 behalf of OLYMPIA FOOD)
6 COOPERATIVE,)
7)
8 Plaintiff,)

9 vs.

)No. 11-2-01925-7

10 GRACE COX; ROCHELLE GAUSE; ERIN)
11 GENIA; T.J. JOHNSON; JAYNE)
12 KASZYNSKI; JACKIE KRZYZEK;)
13 JESSICA LAING; RON LAVIGNE;)
14 HARRY LEVINE; ERIC MAPES; JOHN)
15 NASON; JOHN REGAN; ROB RICHARDS,)
16 JULIA SOKOLOFF; and JOELLEN)
17 REINECK WILHELM,)
18)
19 Defendants.)



20

21 DEPOSITION UPON ORAL EXAMINATION OF

22

23 HARRY LEVINE

24

25 9:30 a.m.

NOVEMBER 21, 2016

6005 TYEE DRIVE SW

TUMWATER, WASHINGTON

26 REPORTED BY: LORRIE R. CHINN, RPR, CCR 1902

27

1 Q. And they are board members?

2 A. There's some staff members.

3 Q. And who are the staff members?

4 A. Mo Tobin, Katherine Bohan, Adam Stocks,
5 Maeanna Welti, Jayne Kaszynski, and -- oh, yeah, see,
6 the Board, the Big Picture Cat, TJ Johnson and -- yeah.

7 Q. And who is TJ Johnson?

8 A. TJ Johnson was our -- part of our expansion
9 coordination team. That was a hired position from the
10 board of directors.

11 Q. And why was he provided this email, to the
12 best of your recollection?

13 A. No recollection.

14 Q. Under No. 1 it says, "Boycott, Divest,
15 Sanctions:" Do you see that?

16 A. Yes.

17 Q. It says, "There are some blocks of the boycott
18 and lots of concerns at the staff level." Do you see
19 that?

20 A. Yes.

21 Q. So you knew there were lots of concerns at the
22 staff level of the boycott of Israel certainly by
23 July 6th of 2010?

24 A. Uh-huh.

25 Q. Again, I need a yes.



1 last paragraph numbered one, do you see that? It says
2 there's a local BDS group that would be coming. Do you
3 see that?

4 A. Yes.

5 Q. All right. So the local BDS group did come to
6 the board meeting on July 15th at which the vote was
7 taken, correct?

8 A. Yes.

9 Q. And who was part of that local BDS group?

10 A. I don't know. I mean, I knew a couple of
11 people. It was not a formalized group. That was
12 shorthand writing just saying that co-op members who
13 were supporters of the BDS movement were coming to the
14 meeting.

15 Q. Okay. And just, again, I just --

16 A. Yes.

17 Q. I'm just using your words.

18 A. I understand.

19 Q. All right. So when you used the phrase "local
20 BDS group" --

21 A. Right.

22 Q. -- what you meant in Exhibit 4 were members of
23 BDS that were affiliated, but it wasn't a formal group?

24 A. It's not a membership organization, as I
25 stated before.



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REPORTER'S CERTIFICATE

I, LORRIE R. CHINN, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010 authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

That the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; that a review of which was requested; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND AND DIGITAL SIGNATURE this 28th day of November, 2016.



LORRIE R. CHINN
Washington State Certified Court Reporter, #1902
lchinn@yomreporting.com

Exhibit L

1 SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

2

3 KENT L. and LINDA DAVIS; and)
4 SUSAN MAYER, derivatively on)
5 behalf of OLYMPIA FOOD)
6 COOPERATIVE,)

7 Plaintiff,)

8 vs.)

)No. 11-2-01925-7

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

17 Defendants.)



18

19 DEPOSITION UPON ORAL EXAMINATION OF

20

21 JULIA SOKOLOFF, M.D.

22

23 2:23 p.m.

24

25 DECEMBER 20, 2016

26

6005 TYEE DRIVE SW

27

TUMWATER, WASHINGTON

28

29 REPORTED BY: LORRIE R. CHINN, RPR, CCR 1902

30

1 A. I think this is getting into an area I just
2 don't know enough about like organizational structure
3 and how that works.

4 Q. I'm just asking your knowledge.

5 A. So what's the question again?

6 Q. Sure. The reason the Board is trying to amend
7 the boycott policy is because it's bound by the one in
8 place. That's why you understood that effort is being
9 made?

10 MS. HOWLETT: Objection.

11 Mischaracterizes testimony, lacks foundation.

12 A. I don't think it's bound by. Again, this is
13 not an area I have expertise in, but I think a board is
14 able to do -- I don't think it's bound -- I don't think
15 it's bound by that.

16 Q. So you believe the Board was not bound by the
17 boycott policy?

18 A. Can we take a break?

19 Q. After you answer my question, absolutely.

20 A. What was the question again?

21 Q. Sure. Just so I understand, you believe that
22 the Board on July 15th, 2010, was not bound by the
23 boycott policy?

24 A. Yes, I believe that.

25 Q. Really?

1 MS. HOWLETT: Objection. Calls for
2 speculation.

3 A. To make things more clear perhaps. There
4 could be things that a person has a right to do and
5 maybe they would want to or an organization or a group
6 has a right to do. And maybe they would want to have
7 it written to make it more clear to -- in some way, but
8 it doesn't mean they don't have a right to do it.

9 Q. I want to be real clear on this. Is it your
10 testimony at the board meeting on July 15th, 2010, the
11 Board took the position that it was not bound by the
12 boycott policy and could vote on the boycott of Israel
13 without regard to what that boycott policy said?

14 A. There wasn't a position.

15 MS. HOWLETT: Well, I'm going object at
16 this point. I mean, this has been asked and answered
17 many, many times at this point.

18 Q. Your objection is noted. My question stands.
19 Is it your testimony that at the board meeting of
20 July 15th, 2010, the Board ignored the boycott policy?

21 MS. HOWLETT: Objection.
22 Mischaracterizes testimony and asked and answered.

23 A. I don't know that ignored is the right word.
24 I think the Board at that meeting believed that we had
25 the authority and actually the obligation to resolve



1 the staff conflict and to move on, and so that's what
2 we did. You believe that we didn't have the authority.
3 That's fine, but we believed that we did have the
4 authority.

5 Q. And tell me what the discussion was at the
6 board meeting that you had authority. Was there
7 discussion on that?

8 A. I don't recall any discussion on that.

9 Q. Okay. Did you believe that one of the -- let
10 me rephrase.

11 Did anyone raise the idea of having a
12 membership vote?

13 A. At the board meeting?

14 Q. Yes.

15 A. I don't remember. It's possible. I don't
16 remember.

17 Q. Do you know why a membership vote wasn't had
18 by the Board?

19 MS. HOWLETT: Objection. Calls for
20 speculation.

21 A. I don't know why.

22 Q. Do you know who wrote the boycott proposal
23 that was passed by the Board?

24 A. I don't know.

25 Q. Do you think it was a requirement of the Board



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REPORTER'S CERTIFICATE

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That the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; that a review of which was requested; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND AND DIGITAL SIGNATURE this 31st day of December, 2016.

Lorrie R. Chinn

LORRIE R. CHINN
Washington State Certified Court Reporter, #1902
lchinn@yomreporting.com

Exhibit M

From:
To:
Date: 4/13/2012 3:29:35 PM
Subject: BDS - David Sacks

Hi David,

I agree that the Likud and settlement building, etc. have been red flags waved in the faces of progressives, Palestinians, and the rest of the world. Talk about chutzpah! <sigh> It's another "what were they thinking?!" kind of question that many of us ask.

While the Likud government is certainly more right-wing than many of us can accept, the fact that the BDS founders are using their naive and manipulated followers to delegitimize Israel and help them manifest their dreams of eradicating the Jewish state of Israel – and exterminating all Jews once and for all – is extremely troubling.

If you want to learn more about the BDS movement, there are some informative groups and websites such as Palestinian Media Watch at <http://www.palwatch.org/> and Stand With Us at <http://www.standwithus.com/>, as well as others that present the various lies and skewed facts coming from BDS proponents which they then counter with the truth.

Stand With Us even has some very informative videos on YouTube at <http://www.youtube.com/user/standwithus?ob=0>. For example, at <http://www.youtube.com/watch?v=gYwPyc4t7U0&list=UUJmSignFWkk1lw4015hCyyQ&index=25&feature=plcp>, SWU posted a video of Omar Barghouti, one of the co-founders of the BDS movement, when he spoke at USC in January of this year. You'll see how he so easily twists facts and information to further his cause against Israel.

Stand With Us is a Los Angeles-based non-profit that was started to counter these lies, propaganda and indoctrination against Israel. It now has satellite offices and groups around the world. SWU has been working to get speakers out in front of the public so truthful facts and information can be heard. Until now, the BDS and other Israel-demonizers have monopolized the conversation and indoctrinated impressionable students and others. They have not wanted to engage in meaningful or productive dialogue or be called out on their lies and manipulations, as you'll see in the three videos filmed at UC Irvine, UC Davis and UCLA, respectively.

http://www.youtube.com/watch?v=9KUAC8SSEYQ&feature=youtube_gdata_player - This film shows what happened on February 8, 2010 after students disrupted Ambassador Michael Oren's speech at UC Irvine. After the 11 students were removed from the room by police, approximately 75 students (who were cheering for the hecklers) all stood up and marched out of the room. This film shows a leader boasting that the group had succeeded in shutting down Michael Oren, and he invites everyone to follow him to a "debriefing." The film also shows that Ambassador Oren actually was able to complete his speech after the disruptive students were escorted out of the room by police.

http://www.youtube.com/watch?v=fiymOE_F278&feature=youtube_gdata_player - Here's an example of what's taking place on college campuses across

the U.S. and in other countries. Ran, a Jewish Israeli, and Ranya, a Druze Israeli, were trying to give presentations about their lives in Israel at the UC Davis campus on February 27, 2012.

http://www.youtube.com/watch?v=k4kqMn2Xxv8&feature=youtube_gdata_player - Two days later, at UCLA, two other Israeli speakers who had also planned to talk about their lives and invite open dialogue, encountered a similarly disrespectful audience.

There's also a video of Bay Area pediatrician and Israel supporter, Mike Harris, of StandWithUs and San Francisco Voice for Israel who spoke before the screening of the film, "Rachel" at the San Francisco Jewish Film Festival on July 25, 2009. Rachel Corrie, at age 23, had been accidentally killed in Israel by a tractor that was clearing a hidden tunnel near Gaza used for weapons smuggling against Israelis. She was illegally in this construction zone and not wearing protective headgear. As a result of the tractor operator's limited vision, he did not see Rachel who stood on a pile of rubble. When he moved his tractor forward, it caused the pile to shift and Rachel lost her footing. She, apparently, was hit on the head by some debris and she was quickly transported, alive, to a local hospital, where she eventually died.

In order to keep Rachel's memory alive, her parents started the Rachel Corrie Foundation, which is headquartered in their and Rachel's hometown of Olympia, Washington. Rachel has been made into a martyr, and the truth of her unfortunate death has been twisted. The fabricated story now tells that Rachel had been deliberately run over by the tractor operator (even though no track marks were on her body) and she died at the scene. The distorted facts state that Rachel had been protecting the private home of a Palestinian pharmacist and his family that was set to be demolished by Israeli soldiers. Nothing is ever mentioned about weapons tunnels and other truthful facts.

The movie entitled "Rachel" was ready to be screened at the San Francisco Jewish Film Festival on July 25, 2009 when Dr. Mike Harris delivered these remarks with many truthful facts. Watch at http://www.youtube.com/watch?v=TrQ85ig8cx8&feature=youtube_gdata_player.

The main website is at <http://www.bdsmovement.net/>, and local BDS groups and organizers have now created their own websites, as well. At <http://www.bdsmovement.net/call#.T2kwl3m68oq>, specifically, you can read the recommended language and provisions for boycotts against Israel that are posted at this main Boycotts, Divestment and Sanctions (BDS) website.

Because of the Rachel Corrie incident and the foundation in her name here in Olympia, there has been growing anti-Israel and anti-Jewish sentiment in Washington's State Capitol for several decades. We've had skinheads and Nazis march through our city, and just a few weeks before our food co-op Board voted to boycott Israel and Israeli products, a large menorah in front of our local Chabad was pushed over and defaced with "Die Jew" spray-painted at its base. A photo and article are online at <http://www.vosizneias.com/58668/2010/06/24/olympia-wa-vandals-tip-over-deface-9-foot-menorah-outside-jewish-center/>

While I and others knew that there was a lot of hate speech against Israel and Jewish Israelis by professors and students, alike, at our far-left Evergreen State College in Olympia, the BDS movement first came to my and others' attention when our local Olympia Food Co-op, a great, liberal, organic-foods cooperative, learned that the Board of Directors, in sympathy with the Palestinian "cause," enacted a boycott of Israel and Israeli products on July 15, 2010. No one had been told in advance that this contentious issue might be discussed and decided, so this Board made its quick and unilateral decision without community input or by following established procedures and previously-adopted policies.

We probably wouldn't have been concerned about another boycott, but we then read a press release issued by our co-op's Board which is posted online at <http://olympiafoodcoop.blogspot.com/2010/07/press-release-about-israeli-products.html>. The Board then provided revised/updated language which was released and posted six+ months later at <http://olympiafoodcoop.blogspot.com/2011/02/update-board-approves-new-language-on.html>.

As you'll see in both press releases and in the proposed boycott language at the main BDS websites, these boycotts will end when generations of Palestinians are given the right to return to Israeli lands. This will definitely present a burden on Israel and it will certainly skew the demographics in the currently Jewish country of Israel. This is what the BDS organizers deliberately intend.

In the two co-op and one BDS website references to "what will end the boycott" as well as in their demands and rhetoric, BDS proponents continue to mention UN Resolution 194. This resolution was never adopted by the UN Security Council and it, therefore, never became binding. Nevertheless, this truthful fact is always omitted by BDS activists.

An in-depth summary submitted by Eli E. Hertz at the Myths and Facts website on August 13, 2009 provides a good synopsis of United Nations Resolution 194 -- which the BDS movement continually references when making their demands. The Hertz article can be accessed directly at <http://www.mythsandfacts.org/Conflict/10/Resolution-194.pdf>.

Here's a good four-minute video from Stand With Us that refutes the false claims that Israel is an apartheid nation that discriminates against Palestinians. Watch at http://www.youtube.com/watch?v=U4UTgeLXFR0&feature=youtube_gdata_player.

Many Palestinian cause supporters feel that Israel and its Western allies had simply taken over the existing land of Palestine when the Jewish state of Israel was founded. This is a complete distortion of the truth. There are timelines that provide factual information including:

From Institute for Curriculum Services -- "Israel's Timeline: From Ancient to Contemporary Times: A Brief Modern History of Arab-Israeli Relations" --

http://www.jcrc.org/downloads/israel/jcrc_israel-timeline_6.pdf

From ProCon.org (published by an Iranian American) - http://israelipalestinian.procon.org/view_resource.php?resourceID=000635

A good Q&A fact sheet from JIMENA is at <http://jimena.org/fac.htm>.

If others here could please post some links to articles, treatises, books, videos and other informative resources (especially from scholarly, neutral sources) about the history of the start of Israel and the Palestinian "diaspora" around 1948, I'd really appreciate receiving these factual and unbiased materials. They shouldn't be from Zionist or pro-Palestinian factions, but from well-recognized and -respected intellectuals. Thanks so much!

Unlike · · Unfollow Post · March 9 at 6:44pm

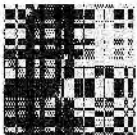
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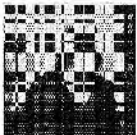
- o [Steve Lipman](#) Jcrc.org or jimena.org are good places to start for factual information and I use that term deliberately Linda.
[March 9 at 7:47pm](#) · Unlike · 1



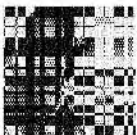
- o [Linda Sternhill Davis](#) Thanks, [Steve!](#) I'll check them out!
[March 10 at 1:20am](#) · Like



- o [Steve Lipman](#) Specifically http://jcrc.org/downloads/israel/jcrc_israel-timeline_6.pdf and <http://jimena.org/faq.htm>
[March 10 at 9:41pm](#) · Unlike · 1



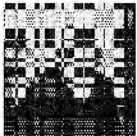
- o [Linda Sternhill Davis](#) Thanks, Steve! These two web pages are extremely helpful personally; however, I'm still searching for a university or similar source that isn't connected to Israel or Judaism. I'm planning to provide these source materials and references to counter the biased "history" that currently draws misguided but well-intentioned progressives and humanitarians to the BDS "cause" against Israel. I'm tackling the Palestinian "right of return" issue and its ramifications next!
[March 11 at 1:08am](#) · Like



- o [Steve Lipman](#) I doubt you will find what you are looking for from a university source. Everyone has biases. It is important to separate fact from fiction, however.
[March 11 at 7:26am](#) · Unlike · 1



- Linda Sternhill Davis Thanks for your feedback, Steve. When I present these facts about Israel and Palestine to would-be BDS recruits, I don't want the details/data to be discounted simply because they came from a source connected in some way to Israel and/or Judaism. That's why I thought that an impartial, education-related source might be the best option, but as you've commented, I've been unable to find an unbiased university source -- so far. However, I'm determined and tenacious! <wink>
March 11 at 11:52am · Like



- Linda Sternhill Davis BTW, Steve and others here, have you heard of the website ProCon.org? This non-profit's President and Managing Editor, Kambiz "Kamy" Akhavan (of Iranian descent), has presented a timeline of the history of the Israeli-Palestinian conflict at http://israelipalestinian.procon.org/view_resource.php?resourceID=000635, and if this is unbiased, it might be a good source for me to use and quote. Those who are involved with ProCon.org are listed at <http://www.procon.org/about-us.php#board>. Are these folks neutral and trustworthy? What are your thoughts? I'm such a novice at all of this! Many thanks for your help!

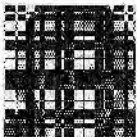


History of the Israeli-Palestinian Conflict - ProCon.org

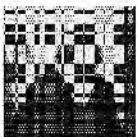
israelipalestinian.procon.org

Read an unbiased history of: What are the solutions to the Israeli-Palestinian conflict? from 10,000 BC to the present.

March 11 at 12:07pm · Like ·



- Marti Rips Leebhoff The article by Nicky Larkin - see above link might be helpful.
March 13 at 11:13pm · Unlike · 1



- Linda Sternhill Davis Thanks, Marti! I'm really heartened by Nicky Larkin's article. Thanks for posting this link.

