

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

RAYMOND HARVIE and GAYLE)
 HARVIE, husband and wife,)
)
 Plaintiff,)
) No. 07-2-07541-9
 vs.)
)
 CAROLINE PEPPERELL, an)
 individual, and JOHN DOES, 1)
 through 10,)
)
 Defendant.)

DEPOSITION UPON ORAL EXAMINATION OF
 FRED WALSER
 Thursday, June 26, 2008

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A P P E A R A N C E S

FOR THE PLAINTIFF:

DAVID A. NOLD
Attorney of NOLD & ASSOCIATES, PLLC
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FOR THE DEFENDANT:

SOHEILA SARRAFAN
Attorney of RAO & PIERCE, PLLC
2411 14th Avenue South
Seattle, Washington 98144
(206) 721-9220

FOR THE WITNESS:

JOHN TAYLOR HICKS
ATTORNEY AT LAW
615 Second Avenue, Penthouse Suite
Seattle, Washington 98104-2203
(206) 838-7375

ALSO PRESENT:

JENNA BAHLENHORST
NOLD & ASSOCIATES, PLLC
Legal Intern

Gayle Harvie

I N D E X

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Witness: FRED WALSER

Page(s)

Examination by Mr. Nold

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E X H I B I T S

No.

Description

Identified

(No exhibits marked for identification.)

1 BE IT REMEMBERED that on Thursday, June 26, 2008, at
 2 9:35 a.m., at the law offices of Nold & Associates, PLLC, 10500
 3 NE 8th Street, Suite 930, Bellevue, Washington, appeared the
 4 aforementioned witness before Katie J. Nelson, CCR, RPR, Notary
 5 Public in and for the State of Washington, residing in
 6 Redmond.

7 WHEREUPON, the following proceedings were had, to wit:

8
 9 FRED WALSER, having been called as a witness by the
 10 plaintiff, was duly sworn and
 11 testified as follows:

12
 13 E X A M I N A T I O N

14 BY MR. NOLD:

15 Q Would you state your full name and spell your last name
 16 for the record, please.

17 A Frederick Walser, W-A-L-S-E-R.

18 Q Mr. Walser, have you ever had your deposition taken
 19 before?

20 A Yes.

21 Q How many times?

22 MR. HICKS: Mr. Walser is going to identify
 23 himself for the record and as the party intended to the
 24 subpoena duces tecum and that's it. He has fifth
 25 amendment rights. We've discussed that over the phone.

1 And that's all he's going to say.

2 Mr. Nold, you told us that you still had to take the
3 deposition to get this on the record, and that's the
4 reason we're here.

5 Q (By Mr. Nold) Mr. Walser, I don't object if you're going
6 to take the fifth amendment, but I would appreciate you
7 asserting that right for the record. I will understand
8 if you just say plead the fifth that that means you're
9 asserting your fifth amendment right against
10 self-incrimination to make the record shorter, but I am
11 going to ask you a series of questions today.

12 MR. HICKS: May I ask a question: How many
13 questions do you plan on asking? We'll stipulate
14 whatever questions you're going to ask that he's going to
15 assert the fifth amendment. Is it wise and necessary to
16 ask every question when you know that's going to be the
17 answer?

18 MR. NOLD: What I'm going to do with the
19 transcript is kind of what I'm going to do with the
20 transcript. I feel neither compelled nor even charitably
21 inclined to answer why I want him to plead the fifth to
22 particular questions. Can't stop him from pleading the
23 fifth. I understand why you appropriately ask him to
24 plead the fifth.

25 Q (By Mr. Nold) All right. Have you ever been deposed

1 before?

2 MR. HICKS: Plead the fifth.

3 THE WITNESS: Plead the fifth.

4 Q (By Mr. Nold) Have you ever been a party to a lawsuit
5 before?

6 A Plead the fifth.

7 Q You brought some documents, can you identify these
8 documents?

9 MR. HICKS: Take the fifth on that one, too.

10 THE WITNESS: I'll plead the fifth.

11 Q (By Mr. Nold) Do you know Carol Pepperell?

12 MR. HICKS: Fifth.

13 THE WITNESS: Again, I'll plead the fifth.

14 MR. HICKS: It's to every question that's going
15 to be asked other than to identification.

16 Q (By Mr. Nold) Did you interview Carol Pepperell before
17 she was hired by the City of Sultan?

18 A Plead the fifth.

19 Q Were you informed by anybody at Ms. Pepperell's prior
20 employment that you should not hire Carol Pepperell?

21 A Plead the fifth.

22 Q Have you ever had a sexual relationship with Carol
23 Pepperell?

24 A I'd plead the fifth.

25 Q Have you ever been charged with rape?

1 A Plead the fifth.

2 Q Has anybody ever accused you of rape?

3 A I'll plead the fifth.

4 Q Was Carol Pepperell your alibi with respect to
5 allegations of rape?

6 A Plead the fifth.

7 Q Do you know what pentobarbital is?

8 MR. HICKS: Plead the fifth.

9 THE WITNESS: I'll plead the fifth.

10 Q (By Mr. Nold) Did you assist Carol Pepperell in
11 obtaining pentobarbital?

12 A I'll plead the fifth.

13 Q Did you know that Carol Pepperell was going to use
14 pentobarbital to kill one of Gayle Harvie's dogs?

15 A I'll plead the fifth.

16 Q Do you know how to access the computer systems at the
17 City of Sultan Police Department?

18 A I'd plead the fifth.

19 Q Did you improperly access the computer systems at the
20 City of Sultan's Police Department for the purpose of
21 obtaining private information on Gayle Harvie?

22 A I'll plead the fifth.

23 MR. NOLD: I have no further questions. I
24 think I covered everything.

25 MS. SARAFAN: I'm just observing.

1 MR. NOLD: Oh, we're looking at you to see if
2 you have any questions. Do you have any questions?

3 MS. SARRAFAN: I do not.

4 MR. HICKS: I would like to add just for the
5 record that my appearance is limited to today's
6 deposition and that is all. I am not making a formal
7 appearance for Mr. Walser on any civil capacity. I was
8 his criminal lawyer. The reason was there wasn't time
9 for him to get a civil lawyer in this capacity.

10 MR. NOLD: Thank you, gentlemen.

11 (Signature waived.)

12 (Deposition concluded at 9:40 a.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON)

) ss

County of King)

I, the undersigned Notary Public in and for the State of Washington, do hereby certify:

That the annexed transcript of the Thursday, June 26, 2008, Deposition of FRED WALSER was taken stenographically by me and reduced to typewriting under my direction;

I further certify that I am not a relative or an employee or attorney or counsel of any of the parties to said action, or a relative or employee of any such attorney or counsel, and that I am not financially interested in the said action or outcome thereof;

I further certify that the annexed transcript of the Thursday, June 26, 2008, Deposition of FRED WALSER is a full, true, and correct transcript, including all objections, motions, and exceptions of counsel made and taken at the time of the foregoing proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal this 7th day of July, 2008.

Katie J. Nelson, CCR, RPR
Notary Public in and for the State of
Washington, residing in Redmond.
My Commission expires October 19, 2011.
CCR License No. 2971