

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON
2 FOR MULTNOMAH COUNTY

3 _____

4 DAVID KOENIG	11 Case No.: 23CV15424
5 Plaintiff	12 PLAINTIFF’S SUPPLEMENTAL
6 vs	13 RESPONSE TO
7 EVANS CLINCHY	14 EVANS CLINCHY’S
8 JENNIFER CLINCHY and	15 AND JENNIFER CLINCHY’S
9 BRIANNA (LOLA) McKISSEN	16 SPECIAL MOTIONS TO STRIKE
10 Defendants	17

18 _____

19 **INTRODUCTION**

20 This supplemental response addresses the large amount of falsehood included in the last
21 two items (6 and 7) of the section of the motions entitled “FACTUAL BACKGROUND.” The
22 focus of this response is only setting the factual record straight, showing the bad faith litigation
23 conduct of the defendants and their counsel in the writing of these items, and showing that
24 plaintiff has only acted in good faith.

25 **RESPONSE TO “6. Plaintiff Targets Defendants for Litigation”**

26 There is no truth to defendants’ assertions “*Rather than appeal the suspension... plaintiff*
27 *instead began looking for an attorney willing to file a lawsuit against three of the four people*
28 *who provided statements in the proceeding,*” and “*Plaintiff’s first attorney was either unwilling*
29 *or unable to certify a complaint.*”

1 I retained Clifford S. Davidson in October 2022, in the month after my suspension from
2 NASPA, only for the specific purpose “to evaluate [my] options regarding potential defamation
3 and economic interference claim.” It was not part of our engagement for Mr. Davidson to file a
4 lawsuit on my behalf, and our agreement for legal services specified that we would need to make
5 another agreement before we expanded the scope to filing a lawsuit. (Exhibit A)

6 Mr. Davidson evaluated that I had legal claims against the defendants. He also advised
7 me to appeal NASPA’s suspension to demonstrate that I was doing due diligence to mitigate
8 damages. (Exhibit B)

9 I eventually decided that Mr. Davidson was not the counsel I wanted to file the lawsuit on
10 my behalf. We ended his representation of me cordially in March 2023.

11 Between late 2022 and early 2023, my time and energy were focused on addressing my
12 mental and physical health and writing my appeal to NASPA. I started taking antidepressants in
13 November 2022, and they only started taking effect a month later. Because of long delays seeing
14 specialists on the Oregon Health Plan (OHP), I was not able to address either my psychiatric or
15 my vocal cord issues as soon as I would have liked. I had my first psychiatric visit on January
16 7th, 2023. On my second visit on April 29th, 2023, I was diagnosed with PTSD, a long overdue
17 diagnosis. (Exhibit C) My vocal cords were evaluated by an otolaryngologist (ENT doctor) on
18 April 7th, 2023, (Exhibit D) and voice therapy with a speech language pathologist (SLP) was
19 recommended. My first visit with the SLP was on May 1st, 2023. (Exhibit E)

20 I gave Mr. Mohan a draft of my appeal to NASPA when I first engaged him in April
21 2023. I communicated to him that my intention was both to file the lawsuit and to appeal to
22 NASPA as expeditiously as possible. It was important to me that I got full buy-in from my

1 counsel on the wording of the appeal, since it would obviously become an important piece of
2 evidence in the case.

3 I only learned a week beforehand that there was an April 14th, 2023 statute of limitations
4 deadline on the defamation charges that I wanted to file. I interviewed several more experienced
5 attorneys around that time, but all of them had caseloads that were too full so that they would not
6 have been able to ramp up on my case and get the charges filed in time. I retained Mr. Mohan
7 specifically because he was willing to make my case his top priority and to put in a lot of time in
8 the week of April 10th-14th, 2023 to get the charges filed before the deadline. To his credit, he
9 succeeded in filing the charges in a timely way.

10 Because Mr. Mohan was at first so focused on getting the charges filed in time and then
11 afterward to responding to the barrage of requests that Mr. Fuller served in late April and early
12 May 2023, he was not able to give me enough time to review my appeal to NASPA for a while. I
13 repeatedly pressed him on this subject, and in the second week of May, he finally started helping
14 me revise the appeal document. Again to his credit, he did eventually help me make a substantial
15 revision of the appeal, and the end product is far better due to his input.

16 My submission of that appeal to NASPA on May 26th, 2023 was the earliest that I could
17 responsibly get it in, given the constraints of attending to my mental and physical health,
18 searching for representation, getting the charges filed before a statutory deadline, and my
19 personal insistence on ensuring that my attorney approve every word of my communications to
20 NASPA.

21 The explanation in this section shows that there is no truth to defendants' story in section
22 6 of their document. Furthermore, there is no reason for anyone to expect that defendants would
23 have had any knowledge of my interactions and communications with my attorneys. The fact

1 that they decided to put their false conjectures into a section of their motion called “FACTUAL
2 BACKGROUND” is bad faith litigation conduct.

3 **RESPONSE TO “7. Bad Faith Litigation Conduct”**

4 Defendants accused plaintiff of “filing frivolous discovery requests” (p.5, l.15) and that I
5 “missed service deadlines” and “failed to comply with discovery rules.” (p.6, l.24)

6 Inspection of the responses to requests for admission filed by both sides should make
7 patently clear who is operating in good faith and who is operating in bad faith. Plaintiff has
8 answered every request for admission with a clear admit or deny answer except for one.
9 (responses to requests for admission filed 5/16/2023)

10 For the one request for admission that plaintiff was unable to answer, Jennifer Clinchy’s
11 9. “*The NASPA Advisory Board determined that plaintiff violated its Code of Conduct based*
12 *largely through plaintiff’s own submissions,*” plaintiff gave a clear and simple explanation of
13 why he does not possess the answer to that question and has already served evidence to
14 defendants supporting his answer.¹

15 Defendants have evaded answering many of plaintiff’s requests for admission and they
16 have objected to every single one filed by Mr. Mohan for the frivolous reason that the filing did
17 not specify a dictionary defining the words in the request.(filed 6/8/2023) Furthermore, in both of
18 the Clinchy’s RESPONSE(s) TO PLAINTIFF’S MOTION TO DETERMINE SUFFICIENCY
19 (filed 6/28/2023) they continued to nitpick about the meaning of common English words.
20 Defendant Jennifer Clinchy also gave a deceptive answer to Request 9, designed to falsely
21 insinuate that she had complained to federal officials about plaintiff, as explained in
22 PLAINTIFF’S DECLARATION IN SUPPORT OF PLAINTIFF’S MOTION TO DETERMINE

23 ¹ PLAINTIFF’S RESPONSE TO DEFENDANTS’ SPECIAL MOTION TO STRIKE, Exhibits 26-29

1 THE SUFFICIENCY OF JENNIFER CLINCHY’S RESPONSES AND OBJECTIONS TO
2 REQUESTS FOR ADMISSION. (filed 8/10/2023)

3 As of today, plaintiff has served responses to defendants’ requests for production with
4 460 pages of responsive documents. As of today, defendants have served responses to plaintiff’s
5 requests for production with zero pages of responsive documents.

6 Defendants’ only two responses to requests for production, both served to Mr. Mohan on
7 June 8th, 2023 included no responsive documents and this phrasing in the response to almost
8 every request, “*Defendant’s counsel is currently designating responsive documents according to*
9 *the Court’s protective order entered May 25, 2023, and expects to produce responsive documents*
10 *with designations in compliance with the Court’s order within 30 days.*” (Exhibit F)

11 Mr. Mohan confirmed on August 12th, 2023 that he was not aware of any documents put
12 under the May 25th, 2023 protective order aside from the one July 6, 2023 email from Terry
13 Kang that Mr. Fuller sent to Mr. Mohan on that same day.²

14 It is more than two months past the June 8th, 2023 date on which Mr. Mohan was served
15 those two responses to requests for production. I can only conclude that defendants have failed to
16 meet a service deadline and have still not produced any evidence in response to requests for
17 production.

18 Furthermore, as I explained in the DECLARATION OF DAVID KOENIG (filed August
19 10, 2023) there is no merit to defendants’ accusations that I have “destroyed or withheld
20 evidence,” “failed to comply with discovery rules,” “misled [my] counsel,” or “engaged in the
21 falsification of records and tampering of witness statements.” (SPECIAL MOTION TO
22 STRIKE, p.6, 1.22-p.7, 1.3) Mr. Fuller temporarily convinced Mr. Mohan that some of these
23 things might have been possible, but Mr. Mohan does not believe them anymore.

24 ² DECLARATION OF DAVID KOENIG, exhibit F, filed August 10, 2023

1 As far as I can tell, the only things mentioned in section “7. Bad Faith Litigation
2 Conduct” that are not outright lies are the statements that plaintiff’s attorney amended the
3 complaint twice and that the conspiracy claims may not be separate torts. The filing of the initial
4 complaint and the amendments to that complaint were all done by Mr. Mohan, and Mr. Fuller
5 was the only defendant counsel during any of that time, as the second amended complaint was
6 filed on May 22nd, 2023, and Ms. Vaughn did not give her notice of representation until June
7 6th, 2023.

8 I am not a lawyer, and I am ramping up on the legal issues of the case as quickly as I can
9 since starting to represent myself *pro se*. I admit ignorance as to the legal issues that required Mr.
10 Mohan to amend the complaint twice, and I can only surmise that he did so because of
11 protestations that Mr. Fuller made about the first two versions of the complaint. **Whatever**
12 **conversations that happened between Mr. Mohan and Mr. Fuller about amending the complaint**
13 **happened behind my back, and Mr. Mohan never told me that he filed amendments to the**
14 **[REDACTED]**
15 **[REDACTED]**
16 **[REDACTED]**

17 I admit the possibility, but not the certainty, that there were problems with the first two
18 versions of the complaint that required it to be amended and that there are problems with the
19 conspiracy claims. However, I am certain that whatever problems there might be along those
20 lines were a product of Mr. Mohan’s inexperience, and not any bad faith litigation conduct on his
21 part. Furthermore, I consider that defendants are engaging in bad faith litigation conduct
22 themselves when they make accusations that amendments to the initial complaint are evidence of

23 ³ The context was that if I was going to share the complaint in any public statements, I should use the
24 latest version. I opted not to include the complaint in the June 15th, 2023 blog post The Scapegoat but
25 later included it in the July 24th, 2023 blog post The Conspiracy.

1 bad faith litigation conduct on the part of the plaintiff or his counsel, when I surmise that Mr.
2 Fuller quite likely verbally influenced Mr. Mohan to make those amendments.

3 **CONCLUSION**

4 In summary, the plaintiff has not engaged in any bad faith litigation conduct, but the
5 defendants Jennifer and Evans Clinchy and their counsel Michael Fuller have engaged in bad
6 faith litigation conduct in many ways, including

- 7 a. telling lies and false conjectures in their FACTUAL BACKGROUND section,
- 8 b. evading discovery requests, sometimes with frivolous objections,
- 9 c. giving deceptive answers, designed to insinuate false and malign things about plaintiff,
- 10 d. failing to meet service deadlines,
- 11 e. making false accusations about the plaintiff's behavior in the litigation of this case,
- 12 f. temporarily poisoning the mind of plaintiff's former counsel, and
- 13 g. influencing plaintiff's former counsel to amend the complaint and then spinning the
14 amendments as acts of bad faith when they were not.

15
16 August 15, 2023.

17 /s/ David Koenig

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 Plaintiff, representing *pro se*

PROOF OF SERVICE

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I certify that I caused this document to be served via e-mail on:

Defendants Jennifer and Evans Clinchy
% Atty: Michael Fuller
Olsen Daines
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com

Defendant BriAnna (Lola) McKissen
% Atty: Ashley L. Vaughn
Dumas & Vaughn
3835 NE Hancock St., Suite GLB
Portland, Oregon 97212
Ashley@DumasandVaughn.com

August 15, 2023.

/s/ David Koenig

A large black rectangular redaction box covering the signature and name of the plaintiff.

Plaintiff, representing *pro se*

Snell & Wilmer

000471

1455 SW BROADWAY, SUITE 1750
PORTLAND, OR 97201
503.624.6800 P
503.624.6888 F

Clifford S. Davidson
(503) 443-6099
csdavidson@swlaw.com

October 25, 2022

BY EMAIL: [REDACTED]

David Koenig
[REDACTED]
[REDACTED]

Re: Agreement for Legal Services

Dear David:

We are pleased that you, David Koenig (the “Client” or “you”), have asked Snell & Wilmer to serve as counsel in connection with the matter described below. This letter will confirm the terms of our engagement and describe the basis on which our firm will provide legal services. If the following provisions are agreeable, please sign a copy of this letter where indicated below and return it to us. If you have questions about anything in this letter, please do not hesitate to call.

1. *Client; Scope of Engagement.* Our client in this matter will be only David Koenig. **The scope of our engagement will be to evaluate your options regarding potential defamation and [REDACTED]**
 [REDACTED] Our acceptance of this engagement does not involve an undertaking to represent the Client’s interests in any matter other than as described in this paragraph. That means that, unless specifically included within the scope of the engagement, this engagement does not include advice on other areas including, but not limited to, business, investment, insurance, bankruptcy, tax or accounting advice. [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

From Plaintiff Affidavit May 22nd, 2023

I also learned around this time that Sue Tremblay, Community Advocate of NASPA, was never informed of the incident report brought against me or the NASPA Advisory Board's deliberations about it. She only learned about the case from me after I had already submitted my response. According to NASPA's website, the Community Advocate's "mandate is to provide a safe environment for members reporting cases of harassment within the association."² Sue was always looped into incident reports like this one since her appointment, and she was intentionally left out of this process, most likely because she recognizes that I am a good person and that Evans and Jennifer have had an outside grudge against me.

On November 8th, 2022, my lawyer sent a letter to the NASPA Advisory Board asking for explanation of the rationale behind their decision and whether there were any additional documents submitted as part of the case that I had not been shown. The letter also doubled as a litigation hold letter.³

On November 10th, John Chew, the President of NASPA, who serves on both the Advisory Board and the Executive Committee, wrote back notifying me that the Advisory Board would not elaborate on the ruling.

On November 15th, John Chew wrote again, attaching a zip file including additional statements from Jennifer Clinchy, Lola McKissen, and Steven Pellinen dated September 9th, 2022. These statements contained a large amount of additional defamatory material from Jennifer and Lola. The statement from Steven Pellinen also showed that he was very obviously not an objective third party and was a further scathing criticism of me. Though NASPA's Advisory Board did not meet to consider my case until 12 days later, on September 21st, I was never informed of the additional documents prior to NASPA's verdict. Furthermore, I never would have found out about them if not for the letter from my lawyer.

The submission of the September 9th documents was against the rules of NASPA's disciplinary procedures as far as I understood. Jason Idalski had explained to me over the phone that the disciplinary process was just that the Advisory Board would review the complainants' original statements from April 2022 and my response in a private meeting. Neither I nor the complainants would be at the meeting. There would be no cross-examinations or further rounds of statements.

My previous lawyer has recommended that I appeal NASPA's decision to their Executive

[REDACTED]

[REDACTED]

[REDACTED]

² http://www2.scrabbleplayers.org/w/Community_Advocate A PDF printout of that page is included in the attached materials.

³ On November 11th, litigation hold letters also went out to Evans Clinchy, Jennifer Clinchy, CoCo, Steven Pellinen, WGPO, and Lola McKissen.

000472

Southwest Family Physicians**DAVID E. KOENIG**

10/08/1977, M

Patient #86676

Visit Information**04/29/2023**

Moses Ijaz, DO

SOUTHWEST FAMILY PHYSICIANS

(503) 620 5556

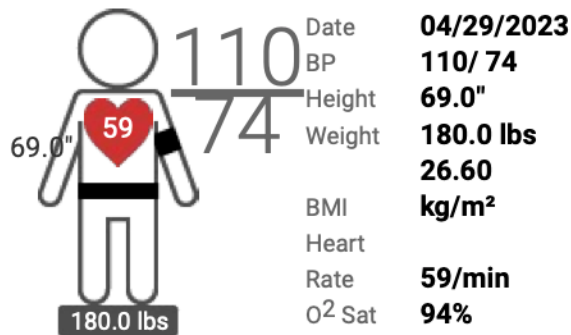
11900 SW Greenburg Rd

TIGARD, OR 97223-6453

Social History**Social History Unavailable****Lab Results**

See Clinical Notes section for applicable narrative(s)
 Lab results uploaded as documents or images are not available here; Contact your practice to obtain them

No available Lab Results for this visit

Vitals**Procedures and Medical History**

See Clinical Notes section for applicable narrative(s)

04/29/2023*History of appendectomy*

Completed

04/29/2023*Filled out SBIRT form 9/20/2022*

Completed

04/29/2023*History of systemic hypertension*

Completed

Allergies and Intolerances**No Known Allergies and Intolerances****Care Plan**

000473

No recorded Care Plan for this visit

Care Team

Khaleed Alston, ND, Primary Care Physician

+1 503 620 5556

11900 SW Greenburg Road

TIGARD, OR 97223-6453

*Care Team, Last documented on 05/10/2023;
09:57 AM; SOUTHWEST FAMILY PHYSICIANS*

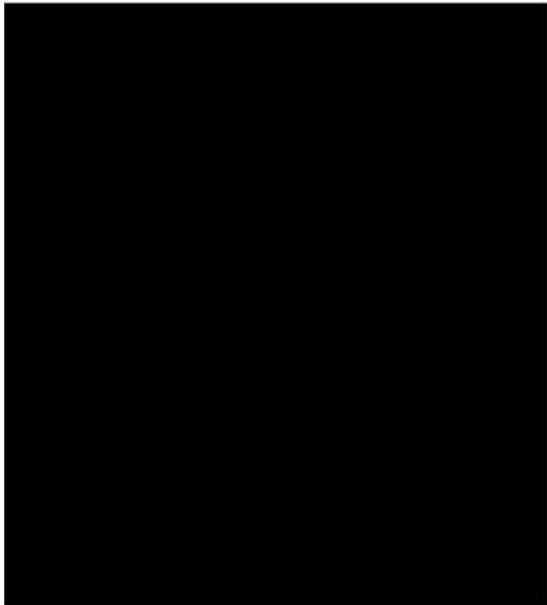
Current Medications

Lexapro 10 MG Oral Tablet

Instructions: 1 tablet po daily

Active

April 14, 2023



04/29/2023

Immunizations due tdap

Completed

04/29/2023

Last annual labs 12/28/2022

Completed

04/29/2023

Last annual SBIRT or CRAFFT 9/20/2022

Completed

04/29/2023

Last annual visit 12/27/2022

Completed

04/29/2023

*Open tasks or orders/referrals to follow-up on PT,
ENT, labs,*

Completed

04/29/2023

Registered on Patient Portal

Completed

*History of appendectomy, Last documented on
04/29/2023; 10:00 AM; SOUTHWEST FAMILY
PHYSICIANS*

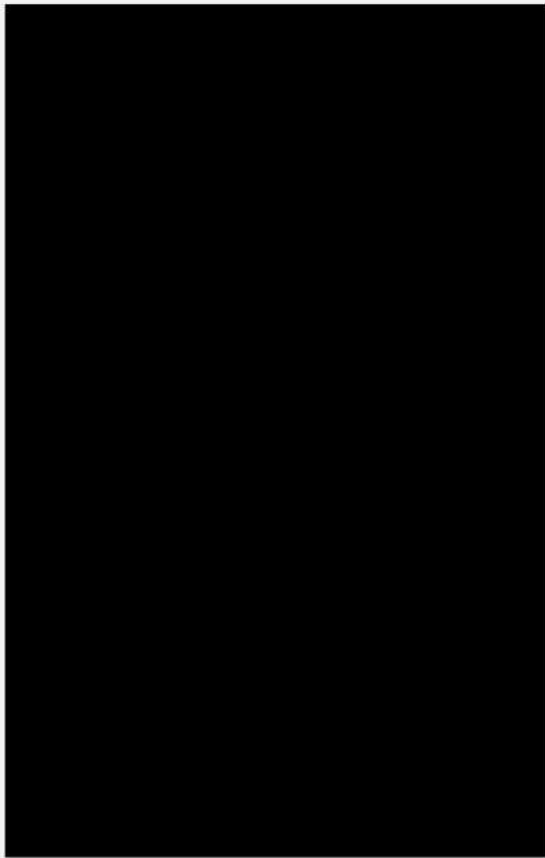
Immunizations

No available Immunizations for this visit

000474



Lexapro 10 MG Oral Tablet, Last documented on 04/14/2023; 01:15 PM; SOUTHWEST FAMILY PHYSICIANS; Hugh Gapay



Past Medications

Instructions and Decision Aids

There are no available Instructions or Decision Aids for this visit

Demographics

Patient Information:

ITEM	INFORMATION
First Name	DAVID
Middle Name	E
Last Name	KOENIG
Address	
Home Phone Number	
Cell Phone Number	
Work Phone Number	No recorded
Email Address	

Additional Information:

ITEM	INFORMATION
Birth Sex	No recorded
Date of Birth	10/08/1977
Race	No recorded
Ethnicity	No recorded
Preferred Language	English

Previous Information:

000475



ITEM	INFORMATION
Previous Address 2	
Previous Address 1	

Demographics, Last documented on 05/10/2023; 09:57 AM; SOUTHWEST FAMILY PHYSICIANS

Medications Administered

No available Medications Administered for this visit

Assessments

- Generalized anxiety disorder - Last Documented On 04/29/2023 10:00AM ; SOUTHWEST FAMILY PHYSICIANS
- Post-traumatic stress disorder - Last Documented On 04/29/2023 10:00AM ; SOUTHWEST FAMILY PHYSICIANS

Health Considerations

Post-traumatic Stress Disorder

Active
04/29/2023

Generalized Anxiety Disorder

Active
09/20/2022



Psychiatric Disorders Mood Moderate

Active
01/07/2023



Plan of Treatment

Additional Notes

discussed victim dynamics

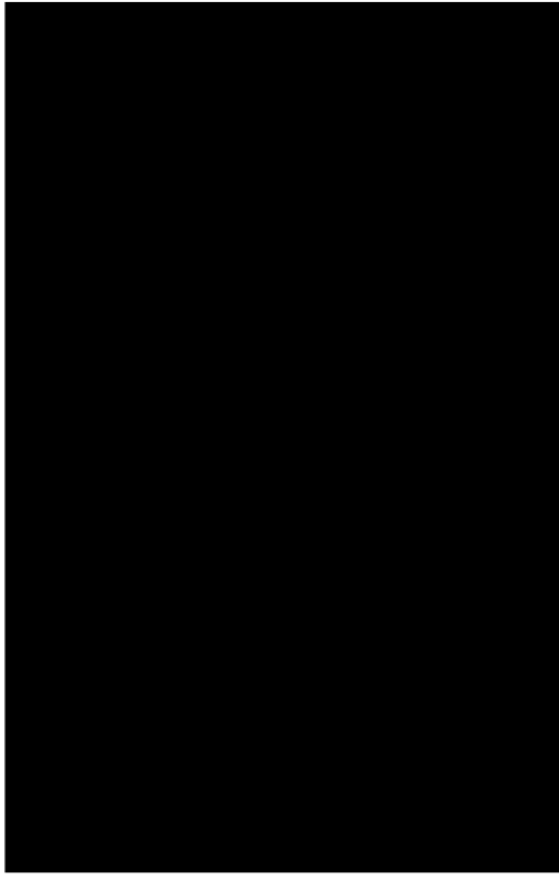
and trauma informed therapy and suggest he discuss with therapist

locally there is Portland DBT to consider even for more intensive work

and will continue lexapro 10 mg daily

and will see PCP prn

and I educated him re new MH providers is needed to be seen sooner



RTC 2 months

I have spent 35 mins in the coordination of this patient's care

including review of records, labs,

and face to face

and for documentaion - Last Documented On 04/29/2023 10:00AM ; SOUTHWEST FAMILY PHYSICIANS

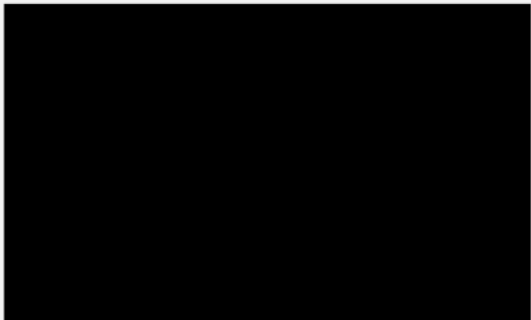
Functional and Cognitive Status

No available Functional and Cognitive Status for this visit

Post-traumatic Stress Disorder, Last documented on 04/29/2023; 09:55 AM; SOUTHWEST FAMILY PHYSICIANS



Psychiatric Disorders Mood Moderate, Last documented on 01/07/2023; 10:38 AM; SOUTHWEST FAMILY PHYSICIANS



000477

Generalized Anxiety Disorder, Last documented on 09/20/2022; 10:51 AM; SOUTHWEST FAMILY PHYSICIANS

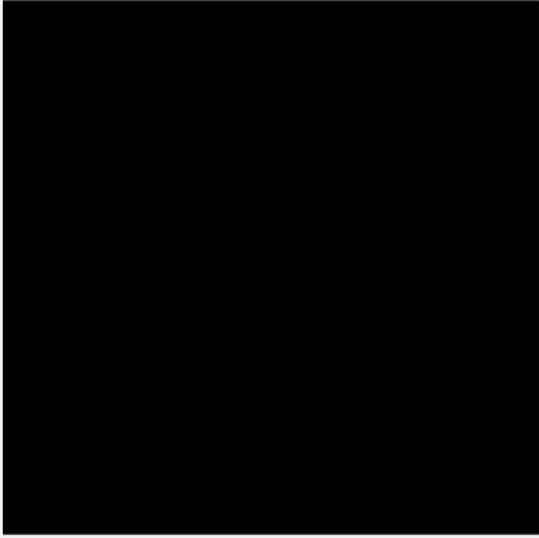


Exhibit C

Patient: David E Koenig
DOB: 10/08/1977
MR#: 2480041
DOS: 04/07/2023

New Patient Consultation

David E Koenig was seen today as a new patient. The patient is a 45 year old male with a chief complaint of voice change. He has chronic hoarseness that can fluctuate in the severity. This began about 2 years ago. He has been dealing with anger issues and other mental health issues that resulted in him screaming often. There has been about 5 times where he has lost his voice completely for about 24 hours. During this time there was some pain with phonation. Typically there is no pain when he speaks. He has tried drinking throat comfort tea recently. He has also been working on his mental health and is screaming less. No odynophagia, dysphagia, or dyspnea. No neck trauma or intubations. He is concerned that he is done permanent damage to his throat/voice. No other concerns.

Pharmacy Verified

CURRENT MEDICATIONS

Medication list reviewed today



escitalopram oxalate 10 mg tablet (escitalopram oxalate)



ALLERGIES

No known allergies

Have you ever had an allergic reaction to a medication (for example: rash, itching, trouble breathing)? No

Have you ever had anaphylaxis (a life-threatening allergic reaction)? No

Is there any personal or family history of inhaled gas allergy? No

Do you have an allergy to IV Contrast? No

Do you have an allergy to Latex? No

PAST MEDICAL HISTORY

CARDIOVASCULAR: Heart murmur, High blood pressure, High cholesterol

PSYCHOLOGICAL: Post-traumatic stress disorder

PAST SURGICAL HISTORY

Have you ever had complications from a surgery? No

FAMILY HISTORY:

Are you adopted? No

Father: Deceased, heart attack, 51-70

Mother: Alive



SOCIAL HISTORY

Marital status: Separated/Divorced

What is your current living situation: Alone

Name: David Eugene Walter Koenig | DOB: 10/8/1977 | MRN: 08015922 | PCP: Unknown | Legal Name: David Eugene Walter Koenig

Progress Notes

Sarah Erter at 05/01/23 0800



Clinic: OHSU-Northwest Clinic for Voice & Swallowing

Referring Physician:

Erica Bocchi, PA-C
9155 SW Barnes Road
Suite 536
PORTLAND, OR 97225

PCP: Unknown

Medical Diagnosis:

1. Laryngeal edema
2. Laryngeal hyperfunction
3. Dysphonia

Date of Onset for This Diagnosis: 4/12/2023

Treatment Diagnosis:

1. Laryngeal edema
2. Laryngeal hyperfunction
3. Dysphonia

Start of Care Date: 5/1/2023

The patient stated their name and date of birth to confirm identity prior to the examination and procedure.

ASSESSMENT & PLAN

ASSESSMENT:

The patient presents with moderate dysphonia secondary to mild edema and erythema with compensatory laryngeal hyperfunction. Contributing factors include frequent periods of intense voice use (e.g., screaming and yelling) over the past 2-3 years. The patient was stimuable for improved vibratory parameters and reduced laryngeal hyperfunction during today's examination - however, we had a frank discussion regarding the limited effectiveness of voice therapy if the patient does not alter phonotraumatic behaviors. The patient is working with a mental health provider to address a difficult social situation that is contributing to the emotions behind these phonotraumatic voice behaviors. We discussed continuing to choose alternative outlets for his emotions that would not be phonotraumatic, such as exercise, cooking, and writing.

RECOMMENDATIONS:

1. Complete Laryngeal Function Studies at next visit.
2. Voice therapy is medically necessary to address voice deficits to reduce laryngeal tension, increase airflow, and optimize voice production for the purpose of healthy,

Exhibit E

balanced vocal use to meet voicing demands across daily occupational, social, recreational, and emotional communication contexts. Recommend one session per week for 4 weeks. There should be a strong emphasis on vocal hygiene. The first visit should be in-person with subsequent visits in-person or virtual, pending patient preference.

TREATMENT GOALS:

1. The patient will be able to use efficient breathing during all speech tasks with 90% accuracy.
2. The patient will complete facilitative exercises in a sustained fashion with 90% accuracy and minimal cues to reduce tension and improve airflow associated with voicing.
3. The patient will coordinate respiration and phonation at the sound, syllable, word, phrase, and sentence level with 90% accuracy and min cues.
4. The patient will use forward focus resonant voice at the sound, syllable, word, phrase, and sentence level with 90% accuracy and min cues.
5. The patient will demonstrate optimal voicing technique with minimal cueing during two minutes of spontaneous conversation and across communicative settings with 80% accuracy.

SUBJECTIVE

REASON FOR REFERRAL: David Eugene Walter Koenig was referred to the Northwest Clinic for Voice and Swallowing by Bocchi, Erica, PA-C for a complete evaluation.

The patient has no past medical history on file.

The patient has no past surgical history on file.

CHIEF COMPLAINT: *"Due to PTSD I spent last couple years screaming a lot and have inflamed vocal cords... Have sometimes lost ability to talk for 1-2 days... Went to ENT who did camera down nose to see vocal cords. They were inflamed but no long-term damage. ENT referred me to speech therapy."*

The patient reports the following voice complaints: poor vocal quality.

DESCRIPTION OF PROBLEM: The patient reports voice difficulties with a sudden onset approximately 3-4 years ago. He attributes this to routinely using intense voice patterns (e.g., yelling and screaming) as a way to rehearse interactions related to a difficult competitive and social situation that he's been involved in since about 2020. There was a day where he suddenly lost his voice associated with screaming. He felt like "something broke" in his vocal cords. It was not painful, but felt like a "snap." He does not recall if he felt it more on one side than the other. On this occasion, his voice went out completely. It mostly recovered after this initial occasion. Then, it became a recurrent event - though his voice did not fully recover on subsequent events. His voice can "go out" much more quickly than previously. He had a period 2-3 weeks ago where he was not using his voice intensely or "screaming" at all. His voice was significantly improving, though did not return to normal.

The patient is working with a mental health provider to cope with the difficult situation he is involved in, though he is considering switching to seeking a new provider.

Today is a "pretty good" day for his voice. The patient describes their voice quality as "hoarse, rough, gravelly, and inconsistent."

The patient reports the following voice difficulties: worsening quality with intense use (e.g., yelling, screaming), more so than with day-to-day conversation - unless he has been using his voice intensely. The patient does not have periods of normal voicing, which he states he has not had for the the past 1-2 years. In terms of patterns, he finds that mornings are worse and his voice is "not up to speed yet." He also attributes mild seasonal allergies that can impact his voice. He takes over-the-counter medications as needed.

Exhibit E The patient has tried the following to address their voice difficulties: Throat comfort tea

with honey feels soothing.

The patient reports the following impact on communication:

- He feels that his voice problems have directly impacted his ability to make income.
- He has cancelled social events, or cannot participate as much in certain social events - e.g., he had a night out with friends during which his voice was problematic, so he communicated via texting.
- He is not participating in karaoke as much as previously.

The patient **denies** prior voice problems, difficulties with increasing volume, vocal fatigue and increased sense of effort associated with voicing.

The patient has not previously participated in voice therapy.

VOCAL HYGIENE: The patient drinks 1-2 liters of non-caffeinated fluids per day. The patient consumes 1-2 cups of caffeinated fluids per day. The patient consumes 5 servings of alcohol per week. The patient has never smoked. The patient does not vape or smoke cannabis. The patient is a software developer, though has not been working for the past 1.5 years. The patient is a(n) Scrabble champion, who is top five in the country and top twenty internationally. The patient is a former teacher and continues to coach chess. The patient is talkative. The patient's vocal demands are described as high and include those for conversations, wireless phone use, loud voice use - e.g., yelling/screaming as detailed above, talking over noise, coaching and singing karaoke on a regular basis. The patient does not complain of reflux symptoms.

SINGING: The patient enjoys singing on a recreational basis. He sings karaoke nearly every week. He has taken breaks when his voice has been in a "bad place," or chosen different songs based on how his voice is sounding or feeling. He states, "I can really belt it out." He finds that karaoke is a helpful social outlet for him. He has not noticed if his speaking voice sounds different after singing karaoke.

SWALLOWING: The patient denies swallowing difficulties. The patient consumes regular textures and any liquids. The patient denies texture avoidances, unintentional weight loss, or recent episodes of pneumonia.

BREATHING: The patient denies breathing complaints.

OBJECTIVE

PERCEPTUAL ASSESSMENT:

- Vocal Quality: The patient's voice was moderately dysphonic and characterized by a tight vocal quality with frequent roughness. There were not audible spasms during phonation. There was not a tremor noted during sustained phonation.
- Resonance: The patient's resonance pattern was throat-focused.
- Pitch & Loudness: The patient's pitch was functional for age and gender. Pitch range with glides was diminished. Loudness was within functional limits for 1:1 conversation.
- Breath Support & Phrasing: The patient's breathing pattern was normal. Breath support for speech was within normal limits. Coordination of breath and voice was reduced. The patient spoke 20 syllables per breath group during connected speech. Breath phrasing was functional.
- Articulation: The patient's articulation was within normal limits. Speech rate was within normal limits. The patient's speech intelligibility was approximately 100%.

Consensus Auditory-Perceptual Evaluation of Voice - CAPE-V (*American Speech-Language Hearing Association, 2009*)

CAPE-V results revealed moderate dysphonia (45/100)

- Mild - moderate roughness (30/100)
- No breathiness (0/100)
- Moderate strain (45/100)
- Functional pitch (0/100)

Exhibit E

- Mildly decreased loudness (5/100)

Voice Handicap Index - VHI: 8

Mild Handicap: 0-30, Moderate Handicap: 30-59, Severe Handicap: 60-120

VHI measures the impact of the patient's voice disorder on daily communication with 120 being the maximum score indicating severe handicap (*Jacobson et al., 1997*).

LARYNGEAL EXAMINATION: Laryngovideostroboscopy was completed using the flexible distal chip telescope. The patient was sprayed with Lidocaine and Phenylephrine to each nostril prior to the examination after verbal consent. The patient tolerated the procedure well. The vocal folds were well visualized. *Attempted 70 degree rigid scope - however, patient did not tolerate due to gag reflex.*

- Vocal Fold Appearance: The vocal folds were dull, slightly erythematous and edematous bilaterally.
- Vocal Fold Range of Motion: Range of motion for vocal fold abduction was within normal limits bilaterally during inspiration. Range of motion for vocal fold adduction was within normal limits bilaterally during phonation. Cricothyroid function with vocal fold elongation was normal
- Supraglottic Activity: There was increased supraglottic activity during sustained phonation and connected speech. Supraglottic activity was characterized by moderate - severe lateral compression of the false vocal folds in sustained phonation and moderate-severe concentric compression in connected speech.
- Stroboscopic and Vibratory Parameters - assessed at modal pitch, unless otherwise specified: During stroboscopy, vertical level of the vocal folds was equal and on-plane. Glottic closure was complete. The mucosal wave was reduced bilaterally. Amplitude of vibration was reduced bilaterally. Vibration was sometimes periodic. Phase symmetry was always irregular. Vibratory behavior was partially present.
- Stimulability: Trial therapy was completed during today's exam. The patient was stimuable for reduction in laryngeal function with some improvement in vibratory parameters using coordination of respiration, phonation, and forward placement of the voice. The patient is motivated to improve and is an appropriate candidate for improvement with voice therapy - however, it will be essential for him to reduce phonotraumatic behaviors in order to be successful with voice therapy.

Examination reviewed by Joshua Schindler, MD who was in agreement with above findings and plan of care.

PATIENT EDUCATION: Patient education was completed with video review and verbal information. The patient did appear to understand the information presented today.



Sarah Erter, MS, CCC-SLP
Speech-Language Pathologist
NW Clinic for Voice and Swallowing
Otolaryngology, Head and Neck Surgery
Oregon Health and Science University
503-494-5947

Exhibit F

1
2
3 **IN THE CIRCUIT COURT FOR THE STATE OF OREGON**
4 **FOR COUNTY OF MULTNOMAH**
5
6

7
8 **DAVID KOENIG**

9 Plaintiff

10
11 vs

12 **EVANS CLINCHY**
13 **JENNIFER CLINCHY and**
14 **BRIANNA (LOLA) McKISSEN**

15 Defendants
16
17

Case No. 23CV15424

**DEFENDANT EVANS
CLINCHY'S RESPONSES TO
PLAINTIFF'S REQUESTS FOR
PRODUCTION**

18
19
20 **INTRODUCTION**

21 Except as specifically objected to, any requested item within the possession or
22 custody or control of Evans Clinchy (defendant) will be made available within the
23 time allowed and at the place and in the manner specified, or as soon as plaintiff
24 provides all documents responsive to defendant's requests, whichever is later, with
25 the exception of documents already available to or in the possession of plaintiff.
26
27

28 Except as specifically objected to, a reasonable effort has been made to obtain any
requested item not in defendant's possession or custody or control.

Exhibit F

RESPONSES TO SPECIFIC REQUESTS

1
2
3 **REQUEST NO. 1:** Per ORCP 36 B(2), please produce any insurance
4 agreement or policy under which a person transacting insurance may be liable
5 to satisfy part or all of a judgment that may be entered in the action or to
6 indemnify or reimburse for payments made to satisfy the judgment.
7

8
9 **RESPONSE:** After diligent inquiry, no responsive documents were
10 found. To the extent these requests seek information that is privileged (marital
11 privilege, attorney-client privilege, doctor-patient privilege, etc.) or work
12 product or trial preparation materials, defendant respectfully objects and
13 respectfully will not produce information that is privileged or work product or
14 trial preparation materials.
15
16

17
18 **REQUEST NO. 2:** All information, documents, or things evidencing
19 communication between Defendant Evans Clinchy, Co-defendant Jennifer
20 Clinchy, and/or Co-defendant Brianna (Lola) McKissen relating to Plaintiff.
21

22 **RESPONSE:** Defendant's counsel is currently designating responsive
23

24 [Redacted]

25 [Redacted]

26 [Redacted]. To the extent these requests seek information
27

28 that is privileged (marital privilege, attorney-client privilege, doctor-patient
privilege, etc.) or work product or trial preparation materials, defendant
respectfully objects and respectfully will not produce information that is
privileged or work product or trial preparation materials.

Exhibit F

1 **REQUEST NO. 3:** All information, documents, or things evidencing
2
3 communication between Defendant Evans Clinchy, Co-defendant Jennifer
4 Clinchy, and/or Co-defendant Brianna (Lola) McKissen relating to the
5 incidents and events described in Plaintiff's complaint and accompanying
6 exhibits.
7

8 **RESPONSE:** Defendant's counsel is currently designating responsive
9

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED] To the extent these requests seek information
14 that is privileged (marital privilege, attorney-client privilege, doctor-patient
15 privilege, etc.) or work product or trial preparation materials, defendant
16 respectfully objects and respectfully will not produce information that is
17 privileged or work product or trial preparation materials.
18
19

20 **REQUEST NO. 4:** All information, documents, or things evidencing
21 communication between Defendant Evans Clinchy, Co-defendant Jennifer
22 Clinchy, and/or Co-defendant Brianna (Lola) McKissen relating to the
23 incidents and events described in Exhibit B of Plaintiff's complaint.
24
25

26 **RESPONSE:** [REDACTED]
27 [REDACTED]
28 [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] To the extent these requests seek information
that is privileged (marital privilege, attorney-client privilege, doctor-patient

Exhibit F

1 privilege, etc.) or work product or trial preparation materials, defendant
2 respectfully objects and respectfully will not produce information that is
3 privileged or work product or trial preparation materials.
4

5
6 **REQUEST NO. 5:** All information, documents, or things evidencing
7 communication between Defendant Evans Clinchy, Co-defendant Jennifer
8 Clinchy, and/or Co-defendant Brianna (Lola) McKissen relating to the
9 incidents and events described in Exhibit C of Plaintiff's complaint.
10

11
12 **RESPONSE:** Defendant's counsel is currently designating responsive

13
14
15
16 To the extent these requests seek information
17 that is privileged (marital privilege, attorney-client privilege, doctor-patient
18 privilege, etc.) or work product or trial preparation materials, defendant
19 respectfully objects and respectfully will not produce information that is
20 privileged or work product or trial preparation materials.
21

22
23
24 **REQUEST NO. 6:** All information, documents, or things evidencing
25 communication between Defendant Evans Clinchy, Co-defendant Jennifer
26 Clinchy, and/or Co-defendant Brianna (Lola) McKissen relating to the
27 incidents and events described in Exhibit D of Plaintiff's complaint.
28

29
30 **RESPONSE:**

Exhibit F

1 the Court's order within 30 days. To the extent these requests seek information
2
3 that is privileged (marital privilege, attorney-client privilege, doctor-patient
4 privilege, etc.) or work product or trial preparation materials, defendant
5 respectfully objects and respectfully will not produce information that is
6 privileged or work product or trial preparation materials.
7

8
9 **REQUEST NO. 7:** All information, documents, or things that tend to
10 prove or disprove the accusations against Plaintiff made in Exhibit B of
11 Plaintiff's complaint.
12

13 **RESPONSE:** [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]. To the extent these requests seek information
19 that is privileged (marital privilege, attorney-client privilege, doctor-patient
20 privilege, etc.) or work product or trial preparation materials, defendant
21 respectfully objects and respectfully will not produce information that is
22 privileged or work product or trial preparation materials.
23
24

25 **REQUEST NO. 8:** All information, documents, or things evidencing any
26 habit of Plaintiff to lie that Defendant may intend to use in this case.
27

28 **RESPONSE:** [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]. To the extent these requests seek information

Exhibit F

1 that is privileged (marital privilege, attorney-client privilege, doctor-patient
2 privilege, etc.) or work product or trial preparation materials, defendant
3 respectfully objects and respectfully will not produce information that is
4 privileged or work product or trial preparation materials.
5
6

7 **REQUEST NO. 9:** Any diary, journal, blog, or other contemporaneously
8 memorialized document by Defendant or their family members or friends
9 describing or relating to the incidents or events at issue in Plaintiff's
10 complaint.
11
12

13 **RESPONSE:** Defendant respectfully objects because this request as it
14 pertains to the documents of others is overly broad and burdensome and seeks
15 documents that are not proportional to the needs of the case. Defendant's
16

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22

23 To the extent these requests
24 seek information that is privileged (marital privilege, attorney-client privilege,
25 doctor-patient privilege, etc.) or work product or trial preparation materials,
26 defendant respectfully objects and respectfully will not produce information
27 that is privileged or work product or trial preparation materials.
28

REQUEST NO. 10: All trial subpoenas, contemporaneously provided to
Plaintiff upon service to the witness.

Exhibit F

1 **RESPONSE:** After diligent inquiry, no responsive documents were
2
3 found. To the extent these requests seek information that is privileged (marital
4 privilege, attorney-client privilege, doctor-patient privilege, etc.) or work
5 product or trial preparation materials, defendant respectfully objects and
6 respectfully will not produce information that is privileged or work product or
7 trial preparation materials.
8
9

10 **REQUEST NO. 11:** All information, documents, or things evidencing
11
12 Plaintiff openly discussing how to murder Defendant.

13 **RESPONSE:** Defendant's counsel is currently designating responsive
14
15
16
17
18 . To the extent these requests seek information
19 that is privileged (marital privilege, attorney-client privilege, doctor-patient
20 privilege, etc.) or work product or trial preparation materials, defendant
21 respectfully objects and respectfully will not produce information that is
22 privileged or work product or trial preparation materials.
23
24

25 **REQUEST NO. 12:** All information, documents, or things supporting
26
27 Defendant's statement that Plaintiff threatened other Scrabble players.

28 **RESPONSE:**

 . To the extent these requests seek information

Exhibit F

1 that is privileged (marital privilege, attorney-client privilege, doctor-patient
2 privilege, etc.) or work product or trial preparation materials, defendant
3 respectfully objects and respectfully will not produce information that is
4 privileged or work product or trial preparation materials.
5
6

7 **REQUEST NO. 13:** All information, documents, or things supporting
8 Defendant's statement that Plaintiff is a clear threat to Defendant and Co-
9 defendant Jennifer Clinchy.
10

11 **RESPONSE:** Defendant's counsel is currently designating responsive
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]. To the extent these requests seek information
15 that is privileged (marital privilege, attorney-client privilege, doctor-patient
16 privilege, etc.) or work product or trial preparation materials, defendant
17 respectfully objects and respectfully will not produce information that is
18 privileged or work product or trial preparation materials.
19
20
21
22

23 **REQUEST NO. 14:** All information, documents, or things supporting
24 Defendant's statement that Plaintiff is a clear threat to everyone else in the
25 Scrabble community.
26
27

28 **RESPONSE:** [REDACTED]
[REDACTED]
[REDACTED]. To the extent these requests seek information

Exhibit F

1 that is privileged (marital privilege, attorney-client privilege, doctor-patient
2 privilege, etc.) or work product or trial preparation materials, defendant
3 respectfully objects and respectfully will not produce information that is
4 privileged or work product or trial preparation materials.
5
6

7 **REQUEST NO. 15:** All information, documents, or things supporting
8 Defendant's statement that Plaintiff has expressed his urge to shoot up a
9 Scrabble tournament.
10

11 **RESPONSE:** Defendant's counsel is currently designating responsive
12
13
14
15
16

17 . To the extent these requests seek information
18 that is privileged (marital privilege, attorney-client privilege, doctor-patient
19 privilege, etc.) or work product or trial preparation materials, defendant
20 respectfully objects and respectfully will not produce information that is
21 privileged or work product or trial preparation materials.
22
23

24 **REQUEST NO. 16:** All information, documents, or things evidencing
25 communication between Defendant Evans Clinchy, Co-defendant Jennifer
26 Clinchy, and/or Co-defendant Brianna (Lola) McKissen, or any third parties
27 regarding the founding of the Collins Coalition organization.
28

RESPONSE: Defendant's counsel is currently designating responsive
[Redacted]
[Redacted]

Exhibit F

1 the Court's order within 30 days. To the extent these requests seek information
2
3 that is privileged (marital privilege, attorney-client privilege, doctor-patient
4 privilege, etc.) or work product or trial preparation materials, defendant
5 respectfully objects and respectfully will not produce information that is
6 privileged or work product or trial preparation materials.
7
8

9 June 8, 2023
10

11 **RESPECTFULLY SERVED,**

12 /s/ Michael Fuller
13 **Michael Fuller, OSB No. 09357**
14 Lead Trial Attorney for Defendant
15 OlsenDaines
16 US Bancorp Tower
17 111 SW 5th Ave., Suite 3150
18 Portland, Oregon 97204
19 michael@underdoglawyer.com
20 Direct 503-222-2000
21
22
23
24
25
26
27
28

Exhibit F

PROOF OF SERVICE

I certify that I caused this document to be served on:

Plaintiff David Koenig
c/o attorney Marc Mohan
1525 SE 22nd Avenue
Portland, Oregon 97214
veritelawcompany@gmail.com

Defendant BriAnna McKissen
Ashley L. Vaughn
3835 NE Hancock St., Ste. GL-B
Portland, Oregon 97212
ashley@dumasandvaughn.com

June 8, 2023

/s/ Michael Fuller
Michael Fuller, OSB No. 09357
Lead Trial Attorney for Defendant
OlsenDaines
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com
Direct 503-222-2000

Exhibit F

1
2
3 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
4 FOR COUNTY OF MULTNOMAH
5
6

7
8 **DAVID KOENIG**

9 Plaintiff

10
11 vs

12 **EVANS CLINCHY**
13 **JENNIFER CLINCHY and**
14 **BRIANNA (LOLA) McKISSEN**

15 Defendants
16
17

Case No. 23CV15424

**DEFENDANT JENNIFER
CLINCHY'S RESPONSES TO
PLAINTIFF'S REQUESTS FOR
PRODUCTION**

18
19
20 **INTRODUCTION**

21 Except as specifically objected to, any requested item within the possession or
22 custody or control of Jennifer Clinchy (defendant) will be made available within the
23 time allowed and at the place and in the manner specified, or as soon as plaintiff
24 provides all documents responsive to defendant's requests, whichever is later, with
25 the exception of documents already available to or in the possession of plaintiff.
26
27

28 Except as specifically objected to, a reasonable effort has been made to obtain any
requested item not in defendant's possession or custody or control.

Exhibit F

RESPONSES TO SPECIFIC REQUESTS

1
2
3 **REQUEST NO. 1:** Per ORCP 36 B(2), please produce any insurance
4 agreement or policy under which a person transacting insurance may be liable
5 to satisfy part or all of a judgment that may be entered in the action or to
6 indemnify or reimburse for payments made to satisfy the judgment.
7

8
9 **RESPONSE:** Following a reasonable inquiry, no documents responsive
10 to this request have been located. To the extent these requests seek
11 information that is privileged (marital privilege, attorney-client privilege,
12 doctor-patient privilege, etc.) or work product or trial preparation materials,
13 defendant respectfully objects and respectfully will not produce information
14 that is privileged or work product or trial preparation materials.
15
16

17
18 **REQUEST NO. 2:** All information, documents, or things evidencing
19 communication between defendant Jennifer Clinchy, Co-defendant Evans
20 Clinchy, and/or Co-defendant Brianna (Lola) McKissen relating to Plaintiff.
21

22 **RESPONSE:** Defendant's counsel is currently designating responsive
23
24
25
26
27 . To the extent these requests seek information
28 that is privileged (marital privilege, attorney-client privilege, doctor-patient
privilege, etc.) or work product or trial preparation materials, defendant
respectfully objects and respectfully will not produce information that is
privileged or work product or trial preparation materials.

Exhibit F

1 **REQUEST NO. 3:** All information, documents, or things evidencing
2
3 communication between defendant Jennifer Clinchy, Co-defendant Evans
4 Clinchy, and/or Co-defendant Brianna (Lola) McKissen relating to the
5 incidents and events described in plaintiff's complaint and accompanying
6 exhibits.
7

8
9 **RESPONSE:** Defendant's counsel is currently designating responsive
10

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]. To the extent these requests seek information
14 that is privileged (marital privilege, attorney-client privilege, doctor-patient
15 privilege, etc.) or work product or trial preparation materials, defendant
16 respectfully objects and respectfully will not produce information that is
17 privileged or work product or trial preparation materials.
18
19
20

21 **REQUEST NO. 4:** All information, documents, or things evidencing
22 communication between Defendant Jennifer Clinchy, Co-defendant Evans
23 Clinchy, and/or Co-defendant Brianna (Lola) McKissen relating to the
24 incidents and events described in Exhibit B of Plaintiff's complaint.
25
26

27 **RESPONSE:** [REDACTED]
28 [REDACTED]
[REDACTED]
[REDACTED]. To the extent these requests seek information
that is privileged (marital privilege, attorney-client privilege, doctor-patient

Exhibit F

1 privilege, etc.) or work product or trial preparation materials, defendant
2 respectfully objects and respectfully will not produce information that is
3 privileged or work product or trial preparation materials.
4

5
6 **REQUEST NO. 5:** All information, documents, or things evidencing
7 communication between Defendant Jennifer Clinchy, Co-defendant Evans
8 Clinchy, and/or Co-defendant Brianna (Lola) McKissen relating to the
9 incidents and events described in Exhibit C of Plaintiff's complaint.
10

11
12 **RESPONSE:** Defendant's counsel is currently designating responsive
13

14
15
16 To the extent these requests seek information
17 that is privileged (marital privilege, attorney-client privilege, doctor-patient
18 privilege, etc.) or work product or trial preparation materials, defendant
19 respectfully objects and respectfully will not produce information that is
20 privileged or work product or trial preparation materials.
21
22

23
24 **REQUEST NO. 6:** All information, documents, or things evidencing
25 communication between Defendant Jennifer Clinchy, Co-defendant Evans
26 Clinchy, and/or Co-defendant Brianna (Lola) McKissen relating to the
27 incidents and events described in Exhibit D of Plaintiff's complaint.
28

29
30 **RESPONSE:** [REDACTED]
31
32
33

Exhibit F

1 the Court's order within 30 days. To the extent these requests seek information
2 that is privileged (marital privilege, attorney-client privilege, doctor-patient
3 privilege, etc.) or work product or trial preparation materials, defendant
4 respectfully objects and respectfully will not produce information that is
5 privileged or work product or trial preparation materials.
6
7

8
9 **REQUEST NO. 7:** All information, documents, or things that tend to
10 prove or disprove the accusations against Plaintiff made in Exhibit B of
11 Plaintiff's complaint.
12

13 **RESPONSE:** [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]. To the extent these requests seek information
19 that is privileged (marital privilege, attorney-client privilege, doctor-patient
20 privilege, etc.) or work product or trial preparation materials, defendant
21 respectfully objects and respectfully will not produce information that is
22 privileged or work product or trial preparation materials.
23
24

25 **REQUEST NO. 8:** All information, documents, or things evidencing any
26 habit of Plaintiff to lie that Defendant may intend to use in this case.
27

28 **RESPONSE:** [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]. To the extent these requests seek information

Exhibit F

1 that is privileged (marital privilege, attorney-client privilege, doctor-patient
2 privilege, etc.) or work product or trial preparation materials, defendant
3 respectfully objects and respectfully will not produce information that is
4 privileged or work product or trial preparation materials.
5
6

7 **REQUEST NO. 9:** Any diary, journal, blog, or other contemporaneously
8 memorialized document by Defendant or their family members or friends
9 describing or relating to the incidents or events at issue in Plaintiff's
10 complaint.
11
12

13 **RESPONSE:** Defendant respectfully objects because this request as it
14 pertains to the documents of others is overly broad and burdensome and seeks
15 documents that are not proportional to the needs of the case. Defendant's
16

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22

23 To the extent these requests
24 seek information that is privileged (marital privilege, attorney-client privilege,
25 doctor-patient privilege, etc.) or work product or trial preparation materials,
26 defendant respectfully objects and respectfully will not produce information
27 that is privileged or work product or trial preparation materials.
28

REQUEST NO. 10: All trial subpoenas, contemporaneously provided to
Plaintiff upon service to the witness.

Exhibit F

1 **RESPONSE:** After diligent inquiry, no responsive documents were
2
3 found. To the extent these requests seek information that is privileged (marital
4 privilege, attorney-client privilege, doctor-patient privilege, etc.) or work
5 product or trial preparation materials, defendant respectfully objects and
6 respectfully will not produce information that is privileged or work product or
7 trial preparation materials.
8
9

10 **REQUEST NO. 11:** All information, documents, or things evidencing
11 Plaintiff engaging in sexual coercion.
12

13 **RESPONSE:** Defendant's counsel is currently designating responsive
14

15
16
17
18 . To the extent these requests seek information
19 that is privileged (marital privilege, attorney-client privilege, doctor-patient
20 privilege, etc.) or work product or trial preparation materials, defendant
21 respectfully objects and respectfully will not produce information that is
22 privileged or work product or trial preparation materials.
23
24

25 **REQUEST NO. 12:** All information, documents, or things evidencing
26 Plaintiff engaging in sexual harassment.
27

28 **RESPONSE:**
29
30
31
32 . To the extent these requests seek information

Exhibit F

1 that is privileged (marital privilege, attorney-client privilege, doctor-patient
2 privilege, etc.) or work product or trial preparation materials, defendant
3 respectfully objects and respectfully will not produce information that is
4 privileged or work product or trial preparation materials.
5
6

7 **REQUEST NO. 13:** All information, documents, or things evidencing
8 Plaintiff engaging in threatening behavior toward women.
9

10 **RESPONSE:** Defendant's counsel is currently designating responsive
11

12 [REDACTED]
13 [REDACTED]
14 [REDACTED] To the extent these requests seek information
15 that is privileged (marital privilege, attorney-client privilege, doctor-patient
16 privilege, etc.) or work product or trial preparation materials, defendant
17 respectfully objects and respectfully will not produce information that is
18 privileged or work product or trial preparation materials.
19
20
21

22 **REQUEST NO. 14:** All information, documents, or things evidencing
23 plaintiff engaging in stalking.
24

25 **RESPONSE:** [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

[REDACTED] To the extent these requests seek information
that is privileged (marital privilege, attorney-client privilege, doctor-patient
privilege, etc.) or work product or trial preparation materials, defendant

Exhibit F

1 respectfully objects and respectfully will not produce information that is
2 privileged or work product or trial preparation materials.
3

4 **REQUEST NO. 15:** All information, documents, or things supporting
5 defendant's statement that plaintiff has orally expressed homicidal intent.
6

7 **RESPONSE:** Defendant's counsel is currently designating responsive
8

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]
12 To the extent these requests seek information
13 that is privileged (marital privilege, attorney-client privilege, doctor-patient
14 privilege, etc.) or work product or trial preparation materials, defendant
15 respectfully objects and respectfully will not produce information that is
16 privileged or work product or trial preparation materials.
17
18

19 **REQUEST NO. 16:** All information, documents, or things supporting
20 defendant's statement that plaintiff has orally expressed a desire to kill
21 defendant's husband and commit a mass shooting at a Scrabble tournament.
22

23 **RESPONSE:** [REDACTED]
24

25 [REDACTED]

26 [REDACTED]

27 [REDACTED]
28 To the extent these requests seek information
that is privileged (marital privilege, attorney-client privilege, doctor-patient
privilege, etc.) or work product or trial preparation materials, defendant

Exhibit F

1 respectfully objects and respectfully will not produce information that is
2 privileged or work product or trial preparation materials.
3

4 **REQUEST NO. 17:** All information, documents, or things evidencing
5 Defendant's publication of a written threat to commit acts of physical violence.
6

7 **RESPONSE:** Defendant's counsel is currently designating responsive
8

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]
12 [REDACTED] To the extent these requests seek information
13 that is privileged (marital privilege, attorney-client privilege, doctor-patient
14 privilege, etc.) or work product or trial preparation materials, defendant
15 respectfully objects and respectfully will not produce information that is
16 privileged or work product or trial preparation materials.
17
18

19 **REQUEST NO. 18:** All information, documents, or things evidencing
20 Defendant's publication of a manifesto that documents his own acts of
21 harassment.
22

23 **RESPONSE:** [REDACTED]
24

25 [REDACTED]

26 [REDACTED]

27 [REDACTED]
28 [REDACTED] To the extent these requests seek information
that is privileged (marital privilege, attorney-client privilege, doctor-patient
privilege, etc.) or work product or trial preparation materials, defendant

Exhibit F

1 respectfully objects and respectfully will not produce information that is
2 privileged or work product or trial preparation materials.
3

4 **REQUEST NO. 19:** All information, documents, or things related to
5 Defendant's contacts or communication with the directors of the January 2017
6 New Orleans Scrabble tournament referenced in Exhibit C of plaintiff's
7 complaint.
8
9

10 **RESPONSE:** Defendant's counsel is currently designating responsive
11

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]
15 To the extent these requests seek information
16 that is privileged (marital privilege, attorney-client privilege, doctor-patient
17 privilege, etc.) or work product or trial preparation materials, defendant
18 respectfully objects and respectfully will not produce information that is
19 privileged or work product or trial preparation materials.
20
21

22 **REQUEST NO. 20:** All information, documents, or things evidencing
23 threats communicated by plaintiff to defendant via any third parties.
24

25 **RESPONSE:** [REDACTED]
26

27 [REDACTED]

28 [REDACTED]

[REDACTED]
To the extent these requests seek information
that is privileged (marital privilege, attorney-client privilege, doctor-patient
privilege, etc.) or work product or trial preparation materials, defendant

Exhibit F

1 respectfully objects and respectfully will not produce information that is
2 privileged or work product or trial preparation materials.
3

4 **REQUEST NO. 21:** All medical reports tending to prove or disprove
5 that defendant discussed plaintiff's sexual aggressiveness with a therapist or
6 other health care professional.
7

8 **RESPONSE:** To the extent these requests seek information that is
9 privileged (marital privilege, attorney-client privilege, doctor-patient privilege,
10 etc.) or work product or trial preparation materials, defendant respectfully
11 objects and respectfully will not produce information that is privileged or work
12 product or trial preparation materials.
13
14
15

16 **REQUEST NO. 22:** All information, documents or things evidencing
17 any complaints filed by defendant with any Scrabble tournaments
18 organization, including the North American Scrabble Players Association, the
19 World Game Players' Organization, and the Collins Coalition.
20
21
22
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28

Exhibit F

1
2
3 **RESPONSE:** Defendant's counsel is currently designating responsive

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED] To the extent these requests seek information

8 that is privileged (marital privilege, attorney-client privilege, doctor-patient

9 privilege, etc.) or work product or trial preparation materials, defendant

10 respectfully objects and respectfully will not produce information that is

11 respectfully objects and respectfully will not produce information that is

12 privileged or work product or trial preparation materials.

13
14
15 June 8, 2023

16 **RESPECTFULLY SERVED,**

17 /s/ Michael Fuller

18 **Michael Fuller, OSB No. 09357**

19 Lead Trial Attorney for Defendant

20 OlsenDaines

21 US Bancorp Tower

22 111 SW 5th Ave., Suite 3150

23 Portland, Oregon 97204

24 michael@underdoglawyer.com

25 Direct 503-222-2000

Exhibit F

PROOF OF SERVICE

I certify that I caused this document to be served on:

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June 8, 2023

/s/ Michael Fuller
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