

FILED

12 JUL 13 AM 9:00

THE HONORABLE CAROL A. SCHAPIRA
KING COUNTY

HEARING DATE: July 13, 2012 at 11:00 a.m.
SUPERIOR COURT CLERK
E-FILED

CASE NUMBER: 12-2-21829-3 SEA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

GEOFF TATE and **SUSAN TATE**, a
married couple

Plaintiffs,

v.

EDDIE JACKSON and **TERESA
GOLDEN-JACKSON**, a married couple;
SCOTT ROCKENFIELD and **MISTY
ROCKENFIELD**, a married couple;
MICHAEL WILTON and **KERRIE LYNN
WILTON**, a married couple; **TRI-RYCHE,
CORPORATION**, a Washington
corporation; **QUEENSRYCHE
MERCHANDISING, INC.**, a Washington
corporation; and **MELODISC LTD.**, a
Washington corporation.

Defendants.

No: 12-2-21829-3 SEA

**DECLARATION OF COUNSEL,
THOMAS T. OSINSKI JR.**

I, Thomas T. Osinski Jr., attorney for the above named Defendants, declare as follows:

I am the counsel of record for the Defendants in this action. Defendants had been working diligently to procure Lars Sorenson's declaration, along with others, given the immense importance of this preliminary injunction motion and the shortened time frame. Lars Sorenson's declaration was obtained in the early evening of July 7, 2012.

1 It was filed and served through the county's e-service as soon as possible thereafter.
2 Additionally, the parties had already agreed to a continuance, and the issue of further
3 submissions from Defendants was not discussed as part of that agreement.

4 Thus due to its great probative value, and its timeliness, the Lars Sorenson
5 Declaration should be admitted. And, even if it is struck, no claim for attorney's fees
6 should be imposed as it was technically timely and no agreement was made
7 otherwise.

8 I readily admit I was not aware of the 12 page limit in the local rules and meant
9 no disrespect to the court. The granting of this injunction would be very detrimental to
10 Defendants, and the likelihood of success on the merits standard is higher than
11 summary judgment here, given the shortened timeframe and limited discovery.
12 Therefore, it was impossible to adequately address the merits of the 75 pages of
13 Plaintiffs' motion and Declarations in less pages than were submitted.

14 Plaintiffs have not articulated any substantial prejudice, and have in fact
15 already responded with a Reply in excess of five pages of their own, and with 10
16 declarations totaling over 40 pages. This belies any claim of prejudice. Additionally,
17 Plaintiffs have had Defendants response since Sunday, yet only raised this concern
18 now, effectively waving any objection to the excess length. Any prejudice should have
19 been resolved by the continuance, agreement to which I understood to resolve all
20 issues.

21 Defendants simply wish to have as much probative and relevant information
22 before the court as possible before making a decision of such importance to the future
23 of the Queensryche Entities.

24 I declare under penalty of perjury of the laws of the State of Washington that the
25 statements as provided herein are true and accurate.

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SIGNED this 12th day of July, 2012, at Tacoma, Washington, in Pierce County.

OSINSKI LAW OFFICES P.L.L.C.



Thomas T. Osinski, Jr., Esq.
Attorney for Defendants
WSBA #34154