

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

IN THE STATE OF WASHINGTON  
KING COUNTY DEPARTMENT OF EXECUTIVE SERVICES

IN RE: THE INQUEST INTO THE  
DEATH OF ISAAH OBET

No. 417IQ7199

OBJECTION AND NOTICE OF  
REFUSAL TO PRODUCE

The City of Auburn (“City”) objects to the Office of the Public Defender’s (OPD) pleading, entitled “Obet Request for Production.”

RCW 36.24.050 allows the coroner to issue subpoenas for witnesses to appear before the inquest jury (*BNSF v. Clark*) and, Senate Bill 5300 (Ch. 237, Laws of 2019) further authorizes the Coroner to request that a Superior Court Judge issue a Subpoena Duces Tecum for records. Assuming without agreeing that the County Executive has the authority to appoint an attorney to represent the family of the decedent in an inquest, the City disagrees that the family’s attorney has the statutory authority to propound discovery requests, and it will not be producing any records in response.

The City fully supports the statutory inquest process. It has historically voluntarily participated fully in the process, and has provided records related to the inquest, such as the

1 investigative report, applicable City policies and training material. And, the City will continue  
2 to provide those documents to the Coroner as required by statute.

3 If the Coroner makes a proper application for discovery, The City reserves its right to  
4 assert any and all other objections to the scope of the discovery request. For example, an  
5 objection to producing confidential health care information of its employee, and to requesting  
6 documentation that is not related to the required findings in RCW 36.24.070<sup>1</sup>.  
7

8 DATED this 19th day of August, 2019.

9 KEATING, BUCKLIN & McCORMACK, INC., P.S.

10  
11 By: /s/ Andrew Cooley

12 Andrew Cooley, WSBA #15189  
13 Attorney for City of Auburn

14 801 Second Avenue, Suite 1210  
15 Seattle, WA 98104  
16 Telephone: (206) 623-8861  
17 Fax: (206) 223-9423  
18 Email: acooley@kbmlawyers.com  
19  
20  
21  
22  
23  
24

---

25 <sup>1</sup> RCW 36.24.070  
26 Verdict of jury.

27 After hearing the testimony, the jury shall render its verdict and certify the same in writing signed by the jurors, and setting forth who the person killed is, if known, and when, where and by what means he or she came to his or her death; or if he or she was killed, or his or her death was occasioned by the act of another by criminal means, who is guilty thereof, if known.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**DECLARATION OF SERVICE**

I declare under penalty of perjury under the laws of the State of Washington that on August 19, 2019, a true and correct copy of the foregoing was served upon the parties listed below via E-mail only, per agreement:

**Attorneys for Co-Counsel**

Steven L. Gross, WSBA 24658  
City of Auburn, Legal Department  
25 West Main Street  
Auburn, WA 98001

Email: sgross@auburnwa.gov

**Attorneys for Counsel for the Family of Mr. Obet**

Amy K. Parker, WSBA 36598  
KCDPD-ACA Division  
710 2nd Ave. Ste. 1000  
Seattle, Washington 98104  
Email: Amy.parker@kingcounty.gov  
Marla.Hartman@kingcounty.gov

**Attorneys for Inquest Program Director**

Matt Anderson  
Email: Matt.anderson@kingcounty.gov

**Attorneys for Attorney for Officer Jeff Nelson**

Alan Harvey  
Email: Alan.Harvey@NWLAdvocates.com

DATED this 19th day of August, 2019, at Seattle, Washington.

*s/ Tia Uy*  
\_\_\_\_\_  
Tia Uy, Legal Assistant