

Hearing Date: August 22, 2025  
Hearing Time: 9 a.m.  
Judge/Calendar: Egeler/Civil

**STATE OF WASHINGTON  
THURSTON COUNTY SUPERIOR COURT**

SCOTT SMITH,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT OF  
TRANSPORTATION, an agency of the State  
of Washington,

Defendant.

Case No. 24-2-00894-34

PLAINTIFF'S OPPOSITION TO  
DEFENDANT WASHINGTON STATE  
DEPARTMENT OF  
TRANSPORTATION'S MOTION FOR  
SANCTIONS

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## I. INTRODUCTION

Defendant Washington State Department of Transportation's ("WSDOT") Motion for Sanctions should be denied. The portion of WSDOT's Motion seeking CR 11 sanctions after voluntary dismissal is wholly misplaced and without any legal or logical basis. First, WSDOT should have filed the Motion while the case was still active, because it asks this Court to weigh disputed facts and determine whether those facts were sufficient to support Plaintiff's claims. *See* CR 12; CR 56. Following a reasonable inquiry, Smith and Counsel filed the Amended Complaint in a good faith belief of the facts and applicable law. That is all that is required under CR 11.

The portion of WSDOT's Motion seeking CR 37 sanctions also fails in its entirety. WSDOT has not established that Smith or his counsel in this matter, the Citizen Action Defense Fund ("CADF"), engaged in any wrongdoing, sanctionable or otherwise, in the course of their discovery efforts. While some records were not produced (and possibly could never be produced) before Smith voluntarily dismissed his Amended Complaint, WSDOT fails to establish that Smith or CADF destroyed any evidence, *or* did so intentionally, or that the non-production of the records prejudiced WSDOT's defense *before* the action was dismissed. The Motion reflects WSDOT's apparent frustration at having been sued by Smith in the first place. Such frustration is not a basis for sanctions, and none are warranted here. WSDOT's Motion should be denied.

## II. STATEMENT OF FACTS

### A. Smith's Original Complaint

Plaintiff Scott Smith filed his initial Complaint on March 5, 2024, against WSDOT and the Washington State Office of Financial Management ("OFM"), claiming whistleblower retaliation, wrongful termination, and negligence. Maynard Declaration at 1. The Complaint alleged that, on January 18, 2023, Smith met with Mr. Nguyen Dang ("Dang"), one of his supervisors at that time, who informed him that "management would prefer" that he not include in the March 2023 fuel-

1 price forecasts any estimates of the per-gallon cost-impact of the Climate Commitment Act’s cap-  
2 and-trade program. *Id.* ¶¶ 10, 12. Smith prepared contemporaneous notes documenting this  
3 exchange between himself and Dang. Maynard Declaration Exhibit 1. WSDOT ultimately released  
4 the March 2023 Report with Smith’s cap-and-trade numbers included and without the changes that  
5 Dang stated were preferred by management. *Id.* ¶18.

7       Following Smith’s refusal to omit the impact of the cap-and-trade program from the March  
8 2023 Report, Smith alleged that OFM and WSDOT undertook several actions in retaliation. *Id.*  
9 ¶20. First, Smith alleged that WSDOT and OFM supported the passage of House Bill 1838 (“HB  
10 1838”), which “had the effect of eliminating Plaintiff’s position and transferring it to another  
11 agency effective in 2025.” *Id.* ¶21. Second, Smith alleged he was required to clear “any surprises”  
12 with Erik Hansen (“Hansen”) at OFM regarding the release of any information to the  
13 Transportation Revenue Forecast Council (“TRFC”). *Id.* ¶22. Third, Smith alleged he was denied  
14 basic software upgrades necessary for the effective performance of several of his responsibilities.  
15 *Id.* ¶23. Fourth, Smith alleged that WSDOT attempted to change and backdate his performance  
16 evaluations. *Id.* ¶24. Fifth, Smith alleged he was denied a promotion as a permanent hire for his  
17 supervisor’s unfilled position, of which he was already performing many of the duties. *Id.* ¶25.  
18 Sixth, Smith alleged WSDOT assigned him a new supervisor who scaled down, changed, or  
19 eliminated the bulk of his responsibilities. *Id.* ¶26. Seventh, Smith alleged his supervisor denied a  
20 request for Smith to work out of state virtually, which other WSDOT employees were permitted  
21 to do post-pandemic. *Id.* ¶27. Eighth, Smith further alleged he was denied leave to visit his elderly  
22 mother for Thanksgiving. *Id.* ¶28. Ninth, Smith alleged he was constructively discharged on  
23 November 2, 2023, following these retaliatory acts. *Id.* ¶ 29.

1           **B.       WSDOT's Internal Investigation**

2           On November 2, 2023, the same day he was constructively discharged, Smith filed a  
3 Whistleblower Report with the State Auditor setting forth the same factual allegations. Maynard  
4 Decl., Ex., 2. Around this time, Smith also engaged CADF to assist him in the looming litigation.  
5 Maynard Decl., at 3. Concurrently, CADF instructed Smith to preserve all documents and  
6 communications related to his claims. Maynard Decl., at 2. On November 30, 2023, CADF  
7 submitted a Demand Letter to WSDOT on behalf of Smith reiterating his claims, seeking damages,  
8 and making a public records request for records related to the factual allegations, requesting  
9 production of all public records relevant to the matter, any investigation into Smith's  
10 whistleblower complaint, and any related emails regarding the subject matter. Maynard Decl., Ex.,  
11 3.  
12

13           *After* Smith sent his Demand Letter, WSDOT hired Karen Sutherland to investigate the  
14 claims. Pekelis Decl., Ex. A. Sutherland contacted eleven potential witnesses, including Smith, of  
15 which only eight agreed to be interviewed. Pekelis Decl., Ex. A at 2. Smith declined to participate  
16 in the interview because WSDOT would not agree to record witness interviews and provide his  
17 attorney with the documents that were provided to the investigator. *Id.* at 2-3. In the Report, which  
18 was issued to WSDOT on April 3, 2024 - nearly a month after Smith filed his legal action against  
19 WSDOT - Sutherland noted that "Smith's perceptions of events as set forth in the Demand [L]etter  
20 are significantly different in many respects from the description of events provided by the  
21 witnesses who were interviewed." *Id.* at 2. She also noted that some "information provided by  
22 witnesses [interviewed] [were] inconsistent," requiring her to make credibility determinations. *Id.*  
23 at 2, 3. Sutherland acknowledged that "it is unknown whether any information they have may have  
24 affected the findings and conclusions contained in this Report" *Id.* at 3, 85. Sutherland ultimately  
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1 concluded that “based on the information reviewed” she found there was not a preponderance of  
2 evidence that WSDOT, its agents, or assigns, had violated any specific relevant *internal* policies.  
3 *Id.*

4  
5 Sutherland did *not* determine that “there was not a preponderance of evidence that any of  
6 the retaliatory acts that Smith had alleged WSDOT committed actually occurred,” as WSDOT  
7 misstates in its Motion. *See* Mot. 3 (statement made without citation). Rather, Sutherland’s Report  
8 acknowledged significant debate over the validity and meaning of Smith’s factual allegations. For  
9 example, after making credibility findings of the witnesses interviewed, Sutherland concluded that  
10 there was not a preponderance of evidence that Dang had informed Smith that management would  
11 prefer that he not include the cap-and-trade surcharges in his forecasts. *Id.* at 21. Sutherland did  
12 state, however, that all witnesses asked agreed that Dang *had* been told by “management” to  
13 remind Smith that he should not change forecast assumptions. *Id.* Sutherland also concluded that  
14 “there is a preponderance of evidence that Smith had misunderstood what Dang said to him on  
15 January 18, 2023.” *Id.* Similarly, Sutherland found inconclusive whether a subsequent meeting  
16 between Smith and Dang supported Smith’s allegations regarding the forecast assumptions  
17 because of the possibility that the two were talking past each other. *See id.* at 24-26.

18  
19 Further, Sutherland found that Smith’s other allegations did have factual merit despite  
20 disagreeing with their ultimate meaning. For example, Sutherland found that WSDOT had sent  
21 Smith a reminder to acknowledge his competencies on October 31, 2023, with a backdated task  
22 due date of September 11, 2022. When Smith accessed the performance-evaluation portal, it also  
23 included a required acknowledgment with a start date of December 28, 2021, and a due date of  
24 November 12, 2021. *Id.* at 41. Maynard Decl., Ex., 4. Smith reasonably understood these apparent  
25 anomalies, combined with his supervisor Luis Hillon-Mendoza’s (“Hillon”) insistence on  
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1 completing a functionally pointless performance evaluation so close to Smith's final day at  
2 WSDOT, as evidence of an attempt to backdate previously drafted or completed performance  
3 evaluations. Sutherland also found by a preponderance of evidence that the passage of HB 1838  
4 *did* have the effect of eliminating Plaintiff's position and transferring it to another agency, just as  
5 Smith had alleged. *Id.* at 61. But she concluded the elimination of his position was not made in  
6 retaliation. *Id.* Same too for her finding that there was not a preponderance of evidence to support  
7 a finding that WSDOT retaliated against Smith. *Id.* at 76. Sutherland acknowledged many of the  
8 events as Smith alleged had in fact occurred or there was dispute about exactly what happened.  
9 *See id.* 61-76. But, using her personal judgment and credibility findings regarding the witnesses  
10 interviewed, Sutherland determined they were not made in retaliation. *Id.* at 75-76.

12  
13 At the end of her Report, Sutherland again acknowledged that her Report was only based  
14 on the "information reviewed for this investigation" and witnesses interviewed. *Id.* at 85.  
15 Sutherland concluded, "Therefore, no violations of the applicable policies were substantiated.  
16 However, some of the individuals who were requested to be interviewed declined to do so, and it  
17 is unknown whether any information they could have provided would have changed any of the  
18 findings in this investigation." *Id.* WSDOT publicly released Sutherland's Report on May 15,  
19 2024. Maynard Decl., at 3.

20  
21 Smith's counsel deposed Sutherland on December 17, 2024. Maynard Decl., Ex., 5. In her  
22 deposition, Sutherland clarified that "what I was investigating is whether there were any violations  
23 of the policies that are listed in my report. I was not . . . investigating whether there was any  
24 violation of any applicable law." *Id.* at 102:1-8 (cleaned up). Sutherland also admitted that she did  
25 not interview every identified witness "because the information that I obtained from the witnesses  
26 I interviewed provided me with the information that I need to assess whether or not the WSDOT  
27

1 policies had been violated. And that includes also the information I got by way of emails.” *Id.* at  
2 69:1-71:18. In other words, Sutherland did not conduct a fulsome investigation of the legal  
3 implications of Smith’s factual allegations as set forth in his Demand Letter or Complaint. She  
4 only conducted enough of an investigation to determine whether WSDOT’s policies had been  
5 violated and concluded they had not from interviewing the very people who denied they had  
6 violated any policies.  
7

8       Thereafter, on January 17, 2025, Smith’s counsel issued a subpoena to Sutherland for all  
9 documents she had received, sent, referenced, or created in relation to her April 2024 Report.  
10 Maynard Decl., at 3. Sutherland responded on January 31, 2025.

11       **C.       WSDOT’S Public Records Responses, the Parties’ Discovery, and Smith’s**  
12       **Amended Complaint**

13       The State began producing records in response to Smith’s November 2023 public records  
14 request on January 18, 2024, making scattered installment productions thereafter until July 2025.  
15 Maynard Decl., at 3. Smith and the Defendants engaged in written discovery following the filing  
16 of Smith’s initial Complaint. Maynard Decl., at 3. WSDOT submitted its first production in  
17 response to Smith’s discovery requests on July 29, 2024, amounting to only 864 pages of records,  
18 and then subsequently did not produce another set of records until January and February 2025 (for  
19 a then-total of 10,049 pages), with subsequent random productions thereafter lasting until May 13,  
20 2025. Maynard Decl., at 3. Smith likewise produced discovery to WSDOT initially on October 28,  
21 2024, and then supplemented on February 3, 2025. Maynard Decl., at 3.  
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23       On February 18, 2025, Smith filed his Amended Complaint. The Amended Complaint  
24 removed OFM as a defendant (in accordance with the Court’s order regarding WSDOT’s Motion  
25 to Dismiss the initial Complaint), eliminated and/or clarified certain factual allegations, and added  
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1 a new cause of action under the Whistleblower Act, RCW 42.40.030<sup>1</sup>. Maynard Decl., Ex., 6. On  
2 February 21, 2025, WSDOT’s counsel, Zachary Pekelis (“Pekelis”), sent a letter alleging that  
3 Smith and CADF had violated CR 11 because of a purported claim that the Amended Complaint  
4 was not warranted by fact or law. Pekelis Decl., Ex. C. CADF responded on March 21, 2025,  
5 disputing the allegations and providing a rebuttal of the accusations. Pekelis Decl., Ex. D.  
6

7 From March 2025 through May 2025, Smith and WSDOT exchanged additional written  
8 discovery and deposed eight additional witnesses including Smith himself. Maynard Decl., at 3.  
9 The depositions established that there was considerable dispute of the events as alleged by Smith  
10 compared to others’ versions of the same events. For example, as to Smith’s whistleblower claims,  
11 Dang admitted that Smith “probably” said “‘whistleblower’ in [his] presence.” Maynard Decl.,  
12 Ex., 7 (Dang Dep. at 72:20-73). Dang apparently “forgot” whether Smith mentioned the cap-and-  
13 trade surcharges with him in January 2023, while simultaneously testifying “I remember he  
14 mentioned that. But I don’t know why. I don’t know the background, and I don’t care about [] at  
15 the moment.” *Id.* at 90:1-91:7). Dang also admitted Smith stated he would “not jimmy the  
16 numbers.” *Id.* at 59). David Ding (“Ding”) corroborated that Smith “probably mentioned the  
17 ‘jimmy’ to me.” Maynard Decl., Ex., 12 (Ding Dep. 93, 94). In addition, Smith himself testified  
18 that he understood Dang’s statement that “management prefers if you don’t use the assumptions”  
19 meant that he was not to include the January data which included the cap-and-trade surcharges.  
20 Maynard Decl., Ex., 8 (Smith Depo. at 149-50). Smith maintains he “made it very clear” at the  
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24 <sup>1</sup> The Court denied WSDOT’s Motion to Dismiss as to the original complaint’s allegations against WSDOT. The  
25 subsequently filed Amended Complaint made technical revisions but left all material allegations the same aside  
26 from an additional cause of action arising under RCW 43.40.030 that the acts taken by Defendant were aimed at  
27 attempting to threaten or coerce Plaintiff from becoming a whistleblower. This cause of action is not  
substantively addressed in the instant Motion for Sanctions and only in passing despite its heavy burden to prove  
that each and every claim was not grounded in law or fact.

1 time that he felt management was “pestering” him against changing the assumptions. *Id.* at 150-  
2 151). Smith also testified that it was implausible Dang misunderstood his refusal to “jimmy the  
3 numbers,” having repeated it to him three times. *Id.* at 160).

4 Smith also testified that he saw a direct line after this exchange to the alleged retaliatory  
5 acts. For example, with respect to HB 1838, Smith testified, “I’ll just say I refused to do something,  
6 . . . I did not play ball on—on the requests that we’ve discussed about cap and trade, and lo and  
7 behold, I lost my job and lo and behold, . . . my agency and OFM were testifying in favor of this  
8 bill.” *Id.* at 178:17-179:3) (cleaned up). Other evidence supports Smith’s perception that WSDOT  
9 began engaging in retaliatory acts after he refused to change the cap-and-trade assumptions. For  
10 example, Amber Coulson (“Coulson”) put Smith on a performance management plan shortly after  
11 the January meetings. Maynard Decl., Ex., 9 (Coulson Dep. 149-150). It was later uncovered in  
12 documents provided hours before her scheduled deposition (which was postponed) that she made  
13 critical, personal attacks on Smith. Maynard Decl., Ex., 10.

#### 16 **D. Smith’s Discovery Preservation Efforts**

17 As stated earlier, CADF informed Smith of his obligations to preserve all information  
18 related to his claims in November 2023. Maynard Decl., at 4. Smith submitted his first requests to  
19 WSDOT in July 2024. Then on September 28, 2024, Smith received the Department’s first  
20 discovery requests. Maynard Decl., at 4. Then, from October 7, 2024, to December 31, 2024, the  
21 parties engaged in multiple discussions regarding the scope of the requests and proposed search  
22 terms for Smith’s discovery responses to WSDOT. Maynard Decl., at 4. On January 24, 2025,  
23 CADF emailed WSDOT’s counsel, asking what search terms they would like Plaintiff to use for  
24 WSDOT’s discovery requests. Maynard Decl., at 4. WSDOT provided the terms on March 3, 2025.  
25 Maynard Decl., at 4. On March 10, 2025, the parties reached agreement on the terms, finally  
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1 providing Plaintiff with the methodology to produce only relevant and responsive records.  
2 Maynard Decl., at 4. The next day, CADF and Smith held a call with a discovery vendor to collect  
3 relevant information on Smith's digital devices and accounts, and to run searches. *See* Plf.'s Resp.  
4 to Mot. to Compel Discovery at 9.

5  
6 During this discovery process, CADF became aware that sometime around February 17 or  
7 18, 2025, Smith had replaced his cell phone due to a malfunction. Maynard Decl., at 4; *see also*  
8 Pekelis Decl., Ex. E. Smith had the understanding, however, that all data had been transferred from  
9 his old phone to his new one. *Id.*; *see also* Maynard Decl., Ex., 11. On March 14, 2025, the  
10 technical expert completed collection of Smith's emails from his Yahoo and Google accounts, all  
11 documents stored on his personal computer, and all of the text messages stored on his new cell  
12 phone and an older iPad. Maynard Decl., Ex., 11. It was only *after* the technical expert completed  
13 the aggregation that CADF *and* Smith himself discovered that a portion of his WhatsApp messages  
14 had not carried over in the data transfer, likely the result of the application's peculiar encryption  
15 features. Maynard Decl., at 5. Despite this, Smith, *was* able to recover 686 WhatsApp messages  
16 that had been downloaded to his MacBook. *Id.* After consulting with Smith and evaluating its legal  
17 and professional obligations, CADF on April 13, 2025, informed WSDOT's attorneys of the  
18 apparent data lapse. *Id.* CADF also told counsel on April 23, 2025, that it would try to obtain any  
19 missing WhatsApp messages from the individuals with whom Smith had communicated. Maynard  
20 Decl., at 5. Smith's subsequent voluntary dismissal rendered such efforts pointless.

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22  
23 WSDOT later contended that it had discovered a block of dates missing from Smith's text  
24 messages. Maynard Decl., at 5. During a meet and confer on this issue, CADF informed counsel  
25 that it intended to withdraw because of a potential conflict with Smith. Ultimately, they were able  
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1 to resolve the conflict and proceeded to clarify the record with a letter. On May 8, 2025, Smith  
2 filed his Motion for Voluntary Dismissal. Maynard Decl., at 5.

3 Six days later, while Smith’s Motion to Voluntarily Dismiss was still pending, WSDOT  
4 deposed Smith. Maynard Decl., at 5. He was asked whether “it’s more likely that the cause of this  
5 gap was because [him] and [his brother David and his friend Gary] weren’t texting during that  
6 period or because messages were deleted or lost from your phone?” Smith responded “[i]t’s  
7 probably more likely they were lost.” Pekelis Decl., Ex. K at 94:8-96:3. Smith also said they could  
8 have been calling during that time. *Id.* Regarding the messages with other individuals, Plaintiff  
9 responded that they could have used other methods to communicate, like calls, or they could have  
10 taken a break from texting. *Id.* at 111:8-9, 111:18. With respect to his WhatsApp messages that  
11 were stored in his malfunctioning device, Smith stated that it was his understanding from the  
12 technical experts that they were able to retain some of the WhatsApp messages through his Mac.  
13 *Id.* at 41:11-42:16. Also, with regard to certain WhatsApp messages with Lizbeth Martin-Mahar  
14 (“Martin-Mahar”), Smith stated that it was “[m]ost likely” a “logical inference” that he had  
15 “somehow” enabled the disappearing messages function on February 1, 2024. *Id.* at 51:18-52:7.  
16 Smith testified, however, “Okay. I think I’ve got to clarify something sir. . . I still don’t really  
17 understand how to delete things on [] phones, on android phones. . . I mean they’re not there  
18 anymore, they’re lost. . . I don’t to this day [sic] I’m not really sure. . . how to delete things. . . So  
19 I don’t really—I shouldn’t act like I do.” Maynard Decl., Ex., 8 (Smith Dep. at 53:12-25) (cleaned  
20 up with counsel interjections removed). Smith thus maintained that he cannot recall how certain  
21 text messages were lost, but that at no time did he intend nor exercise an intent to willfully delete  
22 any such records. Maynard Decl., Ex. 8 (Smith Depo. at 116:1-11). One day later, on May 16,  
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2025, the Court granted Plaintiff’s voluntary dismissal and denied the Department’s Motion to Compel a forensic examination of Plaintiff’s electronic devices. Maynard Decl., at 6.

### III. STATEMENT OF ISSUES

A. Should the Court deny WSDOT’s Motion for CR 11 sanctions when the Amended Complaint was “to the best of the party or attorneys’ knowledge, information and belief, formed after an inquiry reasonable under the circumstances,” well-grounded in fact and warranted by law?

B. Should the Court deny WSDOT’s Motion for CR 37 sanctions when both Smith and CADF engaged in good faith efforts to preserve and obtain discovery responsive to WSDOT’s requests, and no order issued by this Court has been violated?

### IV. EVIDENCE RELIED UPON

This response brief relies on the pleadings and records on file and the Declarations of Jackson Maynard and Zach Pekelis, and the exhibits attached thereto.

### V. ARGUMENT

#### A. CR 11 Sanctions Are Not Warranted Against Smith or CADF

##### 1. WSDOT Cannot Meet its High Burden to Obtain CR 11 Sanctions

As the moving party, WSDOT has the high burden of justifying its sanctions request, *Skimming v. Boxer*, 119 Wn. App. 748, 755, 82 P.3d 707 (2004), and of establishing that Smith’s Amended Complaint was “not well grounded in fact and . . . warranted by . . . law” or that the filing was “interposed for any improper purpose.” *Bryant v. Joseph Tree*, 119 Wn.2d 210, 217, 829 P.2d 1099 (1992) (quoting CR 11). The threshold for imposing CR 11 sanctions is high. *Skimming*, 119 Wn. App. at 755.

WSDOT does not contend that the Amended Complaint was filed for any improper purpose. *See* Mot. at 8-18. WSDOT, therefore, must establish that the filing was “baseless”—that it was not well-grounded in fact or warranted by existing law or a good faith argument to change

1 the law. *Matter of Marriage of Fallow*, 31 Wn. App. 2d 24, 38–39, 547 P.3d 914 (2024). If the  
2 facts or the application of the law to those facts are “at the very least debatable,” then the complaint  
3 is not baseless. *Clare v. Telquist McMillen Clare PLLC*, 20 Wn. App. 2d 671, 687, 501 P.3d 167  
4 (2021). From this vantage, it is telling that WSDOT’s Statement of Issues regarding CR 11 asks  
5 whether “sanctions should be imposed against Smith and his counsel when they were aware of  
6 facts contradicting the Amended Complaint’s allegations of retaliation,” Def. Mot. at 8,  
7 conspicuously failing to allege that any such awareness coincided with the filing of the Amended  
8 Complaint *or* that any such “facts” render all of Smith’s claims baseless. These omissions  
9 conveniently ignore that “knowledge of facts contradicting . . . allegations” does not even remotely  
10 resemble the standard for determining whether “a reasonable attorney in a like circumstance could  
11 believe” a contested filing to be justified in fact or law. *Skimming v. Boxer*, 119 Wn. App. 748,  
12 754, 82 P.3d 707 (2004). Sanctions for baseless filings *cannot* be imposed unless “it is patently  
13 clear that a claim has absolutely no chance of success.” *Bldg. Indus. Ass’n of Wash. v. McCarthy*,  
14 152 Wn. App. 720, 745, 218 P.3d 196 (2009). The knowledge or subsequent discovery of  
15 “contradicting” facts does not suffice, especially where, as here, WSDOT relies on “facts” that  
16 remain in serious dispute, with no chance now for a factfinder to determine the merits.  
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19 If there exists a “debatable” factual and legal basis for a single claim in the Amended  
20 Complaint—as Smith and CADF will amply demonstrate, the Court should not reach the  
21 secondary CR 11 question of whether CADF made a reasonable investigation before filing—  
22 though CADF maintains it has. *Clare*, 20 Wn. App. 2d at 686. If the Court *were* to reach this  
23 secondary inquiry, it must “employ an objective standard in evaluating an attorney’s conduct, and  
24 the appropriate level of pre-filing investigation is to be tested by inquiring what was reasonable to  
25 believe at the time the pleading, motion[,], or legal memorandum was submitted.” *Biggs v. Vail*,  
26  
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1 124 Wn.2d 193, 197, 876 P.2d 448 (1994) (quoting in part *Bryant*, 119 Wn.2d at 220). “[T]he rule  
2 is not intended to chill an attorney’s enthusiasm or creativity in pursuing factual or legal theories.”  
3 *Bryant*, 119 Wn.2d at 219. Nor can CR 11 be used as a commentary on the merits of the facts or  
4 claims. Indeed “CR 11 is not a mechanism for providing attorney’s fees” when such fees would  
5 not otherwise be available. *Id.* at 219-220. “The court should inquire whether a reasonable attorney  
6 in like circumstances could believe his or her actions to be factually and legally justified.” *Id.* at  
7 219-20.  
8

9 Finally, if the Court agrees with some aspects of WSDOT’s arguments—which it should  
10 not—the Court still maintains the discretion on whether to impose sanctions. *Clare*, 20 Wn. App.  
11 2d at 682. “[B]ecause CR 11 sanctions have a potential chilling effect, the trial court should impose  
12 sanctions only when it is patently clear that a claim has absolutely no chance of success.” *Bldg.*  
13 *Indus. Ass’n of Washington v. McCarthy*, 152 Wn. App. 720, 745, 218 P.3d 196 (2009) (quoting  
14 *Skimming*, 119 Wn. App. at 755).  
15

## 16 2. The Amended Complaint is Factually Sufficient Under CR 11.

17 WSDOT has not met its high burden of establishing that Smith’s Amended Complaint was  
18 baseless. As an initial matter, WSDOT insists that Smith and CADF filed a frivolous Amended  
19 Complaint because “documents received by Smith before the filing . . . show that the[] retaliatory  
20 acts” alleged “lack any factual basis.” Def. Mot. at 9. As Smith and CADF will discuss, this  
21 conveniently ignores a mountain of evidence that supports Smith’s allegations and certainly  
22 supports a “debatable” dispute of facts. WSDOT seems to suggest that any evidence that can  
23 reasonably be construed as exculpatory is determinative, while all the evidence that can reasonably  
24 construed as inculpatory is to be ignored.  
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26  
27

WSDOT ignores throughout its Motion that Smith alleged a series of actions by WSDOT officials, which together, created a pattern and practice of retaliation under RCW 42.40.050. Maynard Decl., Ex., 6. Whether one single allegation could or could not have been able to stand alone as retaliatory action does not answer whether the claim was plausible as a matter of law based on a series of events. Smith's burden at the pleading stage was only to present a *prima facie* case that the elements of each claim had been satisfied, in reference to such factors as "[p]roximity in time between the claim and the firing [as] a typical beginning point, coupled with evidence of satisfactory work performance and supervisory evaluations." *Wilmot v. Kaiser Aluminum & Chem. Corp.*, 118 Wn.2d 46, 69, 821 P.2d 18 (1991) (discussing elements of common law retaliatory discharge). The Amended Complaint met this *prima facie* burden as to each allegation.

**(a) HB 1838**

WSDOT seriously mischaracterizes Smith's allegation regarding WSDOT's support for HB 1838 in its attempt to formulate CR 11 grounds. WSDOT asserts that Smith contended "WSDOT and OFM conspired to draft and introduce—and induce the Legislature to pass—HB 1838 for the purpose of retaliating against Smith." Mot. at 9 (citing Am. Compl. ¶ 20); *see also* Mot. at 9 (describing the allegation as "engineer[ing] the conceptualization, drafting, introduction, and passage of HB 1838"). But the Amended Complaint says no such thing. Maynard declaration exhibit 6. Amended Paragraph 20 states in its entirety:

First, Defendants supported the passage of legislation that eliminated Plaintiff's position. HB 1838 was introduced in the legislature on February 1, 2023. The bill was supported by WSDOT. The bill had the effect of eliminating Plaintiff's position and transferring it to another agency effective in 2025. The bill passed the legislature and was signed into law by the Governor.

Amended Paragraph 40(d)(a) further states:

Defendant supported the passage of HB 1838, which eliminated Plaintiff's position and transferred it to another agency in 2025. Around April of 2023, Plaintiff was

1 informed that his position would be eliminated as a result of the passage of HB  
2 1838, effectively forcing him into early retirement.

3 Both allegations are factually true. There is no reasonable dispute that WSDOT supported  
4 HB 1838 or at least did not oppose the bill. *Cf.* Pekelis Decl, Ex. Y (email from S. Lerch, head of  
5 the Economic Revenue Forecast Council “ERFC”, to OFM and WSDOT discussing, “We would  
6 be most comfortable if the additional FTE’s for ERFC could be added for budget purposes without  
7 stating specifically that they would be a transfer of staff.”). There is also no dispute that passage  
8 of that legislation had the effect of eliminating Smith’s position. It was reasonable for Smith to  
9 trace a direct line from his refusal to manipulate the cap-and-trade forecasts to WSDOT’s apparent  
10 sudden support for the elimination of his job. *See* Maynard Decl., Ex., 8 (Smith Dep. at 178:17-  
11 179:3) (quoted previously). Other members of the forecasting team had never heard any discussion  
12 in the agency prior to January 2023 that forecasting would be moved out of WSDOT and  
13 questioned why WSDOT would not oppose it when it would eliminate the only two forecasters in  
14 the agency: Smith and David Ding. Maynard Decl., Ex., 12 (Ding Dep. at 36:9-41:5); *see also id.*  
15 (Ding Dep at 53:1-7). A rational inference might have been that simply, WSDOT did not like  
16 Smith’s viewpoints and wanted him out of the agency.  
17  
18

19 **(b) Smith’s “Clearance” Allegation**

20 Detrimental to WSDOT’s argument on this allegation, the agency admits there was at least  
21 a fact dispute whether Coulson told Smith in a March 27, 2023, conversation that “he should be  
22 clearing ‘any surprises’” with Erik Hansen of OFM, as alleged in the Amended Complaint. *See*  
23 Mot. at 11; *see also* Maynard Decl., Ex., 6. Indeed, even Sutherland’s Report acknowledged by a  
24 preponderance of evidence that “Hansen did not appreciate Smith’s comments at the March 23,  
25 2023 meeting, and that he told Buchanan at WSDOT that ‘I would appreciate having a discussion  
26 with OFM before people start committing to conversations with legislative staff and changing  
27

process.” Pekelis Decl., Ex. A at 33-34. Sutherland also found by a preponderance of evidence that “Coulson spoke to Smith about Hansen’s concerns and offered to coach him on responses to help him be more aware of how his messages are received.” *Id.* at 34. Moreover, Buchanan documented in an email to Coulson on March 24, 2023, “Erik also emailed me complaining about Scott suggesting Leg. Staff and WSDOT meet after session to discuss improving fuel price forecasting (without him having talked to OFM first).” Pekelis Decl., Ex. AA. Smith’s allegation that Coulson instructed him a few days later to clear “any surprises” with Hanson was factually plausible.

#### **(c) Denial of Basic Software Upgrades**

Smith claimed he was denied basic software upgrades necessary for his position. Maynard Decl., Ex., 6. Smith believed not having the upgrade affected the quality of his work and the existing software was producing incorrect data. *See* Pekelis Decl., Ex. AD. The denial went beyond “minor inconvenience” as it could have led to a material change in his employment conditions given the incorrect data the software was reporting. *Cf. Marin v. King Cnty.*, 194 Wn. App. 795, 809, 378 P.3d 203, 212 (2016). The fact that everyone at WSDOT was using the same, older version is irrelevant, as Smith was one of only two people in the division responsible for forecasting, which required the upgraded software. Even if Smith only surmised that Coulson denied his request for an upgrade in retaliation for his report, the question of *why* WSDOT denied the request remained.

#### **(d) Changes and Backdate to Smith’s Performance Evaluations**

WSDOT quibbles with the allegation that it had attempted to backdate Smith’s performance evaluations, claiming that “performance standards” are not the same as “performance evaluations.” Mot. at 14. It is undisputed that WSDOT sent Smith a reminder to acknowledge his

competencies on October 31, 2023, with a backdated task due date of September 11, 2022, and that when Smith accessed the PMP portal, it also included a required acknowledgment with a start date of December 28, 2021, and a due date of November 12, 2021. Maynard Decl., Ex., 4. Smith further testified during his deposition that acknowledgment of the competencies was the first part of the performance evaluation process. Maynard Decl., Ex., 8 (Smith Dep. at 265:17-24). That there was disagreement by the agency whether Smith was being asked to backdate “performance evaluations” or only “performance standards,” does not lend credence to WSDOT’s argument that the claim was baseless—it plainly was not.

**(e) Smith’s Promotion Efforts**

WSDOT disputes that Smith had plausible grounds upon which to allege that his denial for a promotion to a supervisory position was at least in part an act of retaliation. Mot. at 14-15 (citing Am. Compl. ¶ 24). WSDOT suggests this claim was baseless because documents produced to Smith in discovery show that there were purported legitimate bases for the denial. *See id.* This argument ignores the longstanding recognition by Washington courts that employers rarely overtly state they are taking some employment action in retaliation. *See Wilmot*, 118 Wn.2d at 69 (“Ordinarily the prima facie case must, in the nature of things, be shown by circumstantial evidence, since the employer is not apt to announce retaliation as his motive.”). Further, WSDOT miscasts the record when it asserts Smith did not want the job and was simply applying to bolster his legal claim. Mot. at 15. In the cited text message conversation with Martin-Mahar, when asked if he was going to apply again for the position, Smith stated “I’ve been rejected once and not encouraged to reapply.” Pekelis Decl., Ex. AL. It was then Martin-Mahar that raised whether Smith should reapply to make his case “that they won’t consider you for that position” and suggested he ask an attorney. Smith responded, “Guess I ll [sic] apply. Better safe than sorry.” *Id.* That Smith

1 believed that WSDOT would deny him the promotion and hire someone less qualified than him  
2 because of his actions is plausible under any fair reading of the texts. It is irrelevant whether he  
3 simultaneously believed that, if WSDOT rejected him as he expected they would, the denial could  
4 open WSDOT up to a lawsuit.

5  
6 **(f) Smith's Change in Responsibilities**

7 WSDOT argues that Smith failed to establish he had any change in responsibilities, citing  
8 Smith's interrogatory answers. Mot. at 15-16. But again, WSDOT's contention conflates whether  
9 the complaint allegation was grounded in fact with Smith's ability to prove his ultimate legal claim.  
10 Smith's interrogatory answer indicates his belief that he was to "operate the REMI Economic  
11 Impact software" after learning how to use the program but that job duty never came to fruition  
12 because the assignment had been transitioned to another staff person. *See* Pekelis Decl, Ex. AO at  
13 8. It was entirely plausible for Smith to believe he was never given that ultimate responsibility  
14 because of WSDOT's concerted efforts to take the forecast job away from him.

15  
16 **(g) Smith's Request to Telework**

17 WSDOT further argues that because Smith did not submit an updated telework participant  
18 agreement, he cannot, therefore argue in good faith that he was denied a request to telework from  
19 out-of-state. Maynard Decl., Ex., 6. WSDOT disputes the denial focusing on the fact that Smith  
20 admitted in discovery that he did not submit an updated telework participant agreement form. *See*  
21 Mot. at 16-17 (citing Pekelis Decl. Ex. BB). WSDOT ignores that Smith denied WSDOT's request  
22 for admission that the agency had *not* denied his request. Pekelis Decl. Ex. BB. The basis of  
23 Smith's claim of denial was clear. While it is true that Hillon left open in his email that Smith  
24 could submit the form, he also noted "there are very limited circumstances that WSDOT will  
25 consider approving out-of-state work" and that his role "requires him to provide in-person support"  
26  
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1 and that they would expect him to travel frequently back to Washington to support the transition  
2 of his forecasting duties. *See id.* Hillon’s suggestion that Smith could still submit the form was  
3 essentially meaningless as the agency had already predetermined the request would be denied. This  
4 was confirmed by Smith’s deposition testimony that Coulson had verbally denied the request to  
5 telework. *See Maynard Decl., Ex. 8 (Smith Dep. 229:11-231:5).* Smith also testified his belief that  
6 Hillon’s email was a pretext as “the entire agency was telecommuting and he wanted me to show  
7 up, which is quite unusual, but I tried to accommodate him—accommodate him by scheduling a  
8 meeting which he missed.” *Id.* (Smith Dep. at 232:21-233:7).

10 **(h) Smith’s Request for Leave**

11 WSDOT also denies Smith’s allegation that he was refused permission to visit his mother  
12 in November 2023. Here too, WSDOT ignores the context and inferences that can be drawn from  
13 the related communication in favor of its own version of events. Just as with Smith’s request to  
14 telework, his supervisor predetermined that the request would be denied. Hillon responded to  
15 Smith’s request stating “I have my plate full . . . I cannot take on those responsibilities for you,  
16 and before I approve a vacation leave, it is important that we know what your detailed plan is to  
17 make sure those deliverables are done on time, and you actively participation in the transition  
18 trainings [of Smith’s duties to someone else], TRFC preparation, and adoption meetings.” But as  
19 Smith later testified, “I clearly offered to do all my work and attend meetings on my own time. I  
20 mean, there was no question that I was going to do the work, there never was.” *See Maynard Decl.,*  
21 *Ex., 8 (Smith Dep. 244:18-24; 248:7-251:3).*

24 **(i) Smith’s Allegation of Constructive Discharge**

25 Smith asserted that, following these alleged acts, he was constructively discharged on  
26 November 2, 2023. *Maynard Decl., Ex., 6.* WSDOT argues that Smith’s alleged pursuit of other  
27

1 employment opportunities and consideration of early retirement suggest that his departure was not  
2 motivated by retaliation. Mot. at 24. However, Smith was seeking to leave WSDOT precisely  
3 because WSDOT's actions had rendered it difficult, if not impossible, for him to perform his duties  
4 and maintain his integrity in ensuring accurate forecasts.

5  
6 **3. When Evaluated in its Entirety, the Amended Complaint is Well-  
Grounded in Fact and Law.**

7 With respect to CR 11, WSDOT's Motion for Sanctions wildly misses the mark, hinging  
8 its argument on facts that might tend to *dispute* Smith's understanding of events and their legal  
9 implications. Its alternative presentation of events hardly makes it "patently clear that" Smith's  
10 claims had "absolutely no chance of success." *Bldg. Indus. Ass'n of Wash.*, 152 Wn. App. at 745.  
11 It is for this reason that CR 11 only applies to lawsuits that are "frivolous in [their] entirety" and  
12 not to those in which "*any* of the asserted claims are not frivolous." *Skimming*, 119 Wash.App at  
13 756 (citing *Biggs*, 119 Wash.2d at 136–37). This bright line—which WSDOT has abjectly failed  
14 to pierce—is designed to avoid a "chilling effect" on the filing of meritorious claims. *In re Cooke*,  
15 93 Wash.App. 526, 529, 969 P.2d 127 (1999).  
16

17  
18 **4. Smith's Factual Allegations Look Nothing Like Those Courts Have  
Held as Frivolous.**

19 At bottom, WSDOT seeks here to reframe potentially exculpatory evidence as proof-  
20 positive that Smith's claims were frivolous—despite, of course, the slew of evidence supporting  
21 Smith's version of events. None of which WSDOT ever bothers to mention. Even assuming,  
22 *arguendo*, that Smith had prefiling knowledge of all the documentary evidence arguably  
23 "supporting" WSDOT's version of events, his allegations would *still* comprise reasonable  
24 alternative interpretations thereof. Compare the factual disputes in this litigation with the "patently  
25 clear" bases upon which Washington courts have, including in the recent past, imposed CR 11  
26 sanctions—and those in which they declined to do so. *Gordon v. Robinhood Financial LLC*, 31  
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1 Wash.App.2d 185, 207, 547 P.3d 945 (2024); *Ko as Trustee for Andrew Ko Living Trust v.*  
2 *Chestnut*, 2025 WL 1431921, at \*8 (May 19, 2025).

3 **B. CR 37 Sanctions Should Not be Imposed Against Smith or CADF.**

4 A voluntary dismissal under CR 41(a)(1)(B) generally deprives the Court of authority to  
5 decide a case on the merits, however, courts may retain jurisdiction for the limited purpose of  
6 considering collateral issues, including whether fees are permitted by statute or contractual  
7 agreement, *Hawk v. Branjes*, 97 Wn. App. 776, 782, 986 P.2d 841 (1999), or if sanctions are  
8 warranted under CR 11. *Clare*, 20 Wn. App. 2d at 680. However, WSDOT cites *zero* authority in  
9 its Motion, and Smith and its counsel are aware of none, that have determined the viability of an  
10 alleged spoliation claim under CR 37 after the action has been voluntary dismissed. *See Halsey v.*  
11 *Airbus Helicopters S.A.S.*, No. 6:24-cv-00649-MC, 2025 WL 318744, \*1 n 1 (D. Or., January 28,  
12 2025) (denying as moot a motion for spoliation after voluntary dismissal).<sup>2</sup> But even if this Court  
13 were, at this unusually late stage, to consider WSDOT's Motion for Sanctions pursuant to CR 37,  
14 the Motion still fails on the substance of its claim of spoliation.

17 “Spoliation is the intentional destruction of evidence.” *J.K. by Wolf v. Bellevue Sch. Dist.*  
18 *No. 405*, 20 Wn. App. 2d 291, 304, 500 P.3d 138 (2021). While spoliation may encompass more  
19 than “purely intentional” acts or those done in “bad faith,” “no sanctionable spoliation occurs when  
20 a party has an ‘innocent explanation’ for the destruction or negligently failed to ‘preserve evidence  
21 relevant to foreseeable litigation.” *Id.* Courts, therefore, weigh two factors as dispositive: “(1) the  
22 potential importance or relevance of the missing evidence and (2) the culpability or fault of the  
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24  
25 <sup>2</sup> WSDOT argues that it should be permitted to conduct additional discovery post-dismissal on the issue of sanctions  
26 including a renewed attempt to search Plaintiff's electronic devices. Defendant WSDOT's Motion for  
27 Sanctions at 24-25. The caselaw cited does not support additional discovery and an evidentiary hearing is  
unnecessary as Plaintiff was extensively questioned on this topic in his deposition.

adverse [and spoliating] party.” *Id.* at 304. Neither weighs in favor of WSDOT as its allegations are based on pure speculation.

**1. WSDOT Fails to Establish Any Importance or Relevance to the Allegedly Missing Evidence.**

For the first factor, “whether the missing evidence is important or relevant obviously depends on the particular circumstances of the case.” *Henderson v. Tyrrell*, 80 Wn. App. 592, 607, 910 P.2d 522 (1996). An important consideration is “whether the loss or destruction of the evidence has resulted in an investigative advantage for one party over another, or whether the adverse party was afforded an adequate opportunity to examine the evidence.” *Id.* WSDOT fails to provide any concrete evidence establishing the importance or relevance of the missing WhatsApp messages or text messages. Mot. at 19. While WSDOT speculates that the evidence *could* have contradicted some of Smith’s allegations, Mot. at 19-20, it ignores that any potential material impact is moot in view of Smith’s voluntary dismissal of all claims. There simply is no remaining allegation of fact for WSDOT to contradict. While WSDOT did not have the opportunity to review all of the missing WhatsApp messages or text messages, neither did Smith. The messages were lost, either because of a technical issue (the WhatsApp messages) or for reasons unknown (the text messages). Smith had no advantage from the loss of the messages—they equally could have supported his claims. WSDOT’s mere speculation that the “communications were potentially important or relevant” does not warrant the Court giving any weight to this first factor.

**2. WSDOT Fails to Establish Any Wrongdoing by Smith or CADF.**

For the second factor, the Court must examine whether Smith or CADF acted in bad faith or conscious disregard of the importance of the evidence or whether there was some innocent explanation for the destruction. *Tavai v. Walmart Stores, Inc.*, 176 Wn. App. 122, 135, 307 P.3d

1 811 (2013). The Court must also consider whether there was a duty to preserve the specific  
2 evidence. *Id.* Taking these in reverse, Smith and CADF first note that there is no general duty to  
3 preserve evidence. *See Cook v. Tarbert Logging, Inc.*, 190 Wn. App. 448, 360 P.3d 855 (2015)  
4 (declining to find general duty to preserve evidence in Washington). This is why CADF counseled  
5 Smith at the beginning of their engagement to preserve all potentially relevant documents and  
6 conversations on every device and account. But WSDOT's suggestion that CADF had a duty to  
7 preserve *and* collect all electronically stored information on Smith's devices is absurd. *See* Mot.  
8 at 21. "The obligation to preserve electronic data and documents requires reasonable and good  
9 faith efforts to retain information that may be relevant to pending or threatened litigation.  
10 However, it is unreasonable to expect parties to take every conceivable step to preserve all  
11 potentially relevant data." The (2004) Sedona Principles: Best Practices, Recommendations &  
12 Principles for Addressing Electronic Document Production the Sedona Conference Working  
13 Group on Electronic Document Retention and Production Sedona, AZ, 5 Sedona Conf. J. 151, 172  
14 (2004).

17 Likewise, WSDOT's statement that CADF failed to discharge its duty by not *collecting* all  
18 potentially relevant data from Smith's devices earlier than March 2025 goes too far. Mot. at 21.  
19 CADF reasonably believed that it had taken all steps prior to that to discharge its duty of  
20 preservation. CADF began collection efforts the day after the parties had reached agreement on  
21 the search terms that would be employed to obtain potentially responsive information to WSDOT's  
22 discovery requests to Smith. Maynard Decl., Ex., 11. Before then, CADF had no ability to predict  
23 that Smith's phone would have malfunctioned, requiring its replacement. CADF also was not made  
24 aware of Smith's intention to replace the malfunctioning phone, and neither CADF nor Smith  
25 knew that the WhatsApp messages would not carry over to the new device until the March 2025  
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1 events. But even then, CADF and Smith took additional steps to recover as many messages as  
2 possible through other sources. Maynard Decl., Ex., 5.

3       Turning to the question of culpability, WSDOT claims without support that there is “strong  
4 evidence” that Smith—though not CADF—destroyed evidence in bad faith. Mot. at 22. WSDOT  
5 relies, however, only on a series of speculative events regarding what may have happened to the  
6 missing texts and WhatsApp messages to suggest an inference of “bad faith.” *See* Mot. at 22-24.  
7 But WSDOT’s speculation turns the analysis on its head. It is *specific* evidence of bad faith that is  
8 required. *See Cook*, 150 Wn. App. at 469-70. WSDOT’s arguments also disregard that there are,  
9 indeed, innocent explanations for what happened. As discussed previously, Smith believed that all  
10 of his data had been transferred to his new phone, including the WhatsApp messages. As Smith  
11 explained in his deposition, he did not know how to delete things on his cell phone and admitted  
12 he should not speculate as to what happened to the messages other than they were not on the phone.  
13 Regardless, Smith’s actions at worst can be described as inadvertently negligent. Washington  
14 courts are clear that the “merely negligent destruction of evidence cannot support an adverse  
15 inference.” As *Henderson* recognized, “unless there was bad faith, there is no basis for ‘the  
16 inference of consciousness of a weak cause,’ which is ‘the evidentiary inference that spoliation  
17 creates.’” *Id.* (quoting *Henderson*, 80 Wn. App. at 607). WSDOT failed to establish any discovery  
18 violations by CADF or Smith.  
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22       **C.       No Fees or Costs are Warranted to WSDOT.**

23       WSDOT seeks nearly \$370,000 in fees and costs with an exact amount to be determined  
24 in a later fee petition and a “nominal” sanction of \$100,000 against CADF and Smith for this  
25 lawsuit. Mot. at 25. No award is warranted under either CR 11 or CR 37, as explained in detail in  
26 this opposition.  
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## VI. CONCLUSION

For these reasons, CADF and Smith respectfully ask that the Court deny WSDOT's Motion.

DATED this the 25th day of July 2025.

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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on this date I caused to be served in the manner indicated a copy of the within and foregoing document upon the following persons:

<i>Attorneys for Plaintiff:</i>  Zachary J. Pekelis, WSBA No. 44557 Erica Coray, WSBA No. 61987 Pacifica Law Group LLP 401 Union Street, Suite 1600 Seattle, WA 98101-2668 206.245.1700 <a href="mailto:Zach.pekelis@pacificallawgroup.com">Zach.pekelis@pacificallawgroup.com</a> <a href="mailto:Erica.coray@pacificallawgroup.com">Erica.coray@pacificallawgroup.com</a>	<input checked="" type="checkbox"/> by CM/ECF <input checked="" type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery
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DATED this 25<sup>th</sup> day of July, 2025 at Olympia, Washington.

/s/ Kendralee Correa  
Kendralee Correa, Paralegal