

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

ANGELA M. BARD and WILLIAM BARD,
individually and as legal guardians of minor J.D.B.,
et al.,

Plaintiffs,

v.

MONSANTO COMPANY, et al.,

Defendants.

No. 18-2-00001-7 SEA

**ORDER PARTIALLY GRANTING
PLAINTIFFS’ MOTION FOR VIDEO
DEPOSITIONS**

THIS MATTER, having come on for hearing on Plaintiffs’ Motion for Video Depositions,
and the Court having considered oral argument of counsel, the records and files herein, the
pleadings filed in support of and in opposition to said motion, including the following:

1. Plaintiffs’ Motion for Video Depositions;
2. Declaration of Richard H. Friedman in Support of Plaintiffs’ Motion for Video Depositions;
3. Defendants Monsanto Company, Solutia, Inc., Pharmacia LLC, and Monroe School District’s Joint Opposition to Plaintiffs’ Motion for Video Depositions;
4. Declaration of Jennifer L. Campbell in Support of Defendants Monsanto Company, Solutia, Inc., Pharmacia LLC, and Monroe School District’s Joint Opposition to Plaintiffs’ Motion for Video Depositions;
5. Defendant Monroe School District’s Opposition to Plaintiffs’ Motion for Video Depositions;

- 1 6. Declaration of D. Jack Guthrie in Support of Defendant Monroe School District's
- 2 Opposition to Plaintiffs' Motion for Video Depositions;
- 3 7. Plaintiffs' Reply in Support of Motion for Video Depositions;
- 4 8. Declaration of Richard H. Friedman in Support of Plaintiffs' Reply Re Motion for
- 5 Video Depositions;
- 6 9. The findings made in all prior King County Emergency Orders 1-4 detailing the
- 7 state of emergency due to the novel coronavirus disease;
- 8 10. The findings made in the Supreme Court of Washington Order of March 18, 2020,
- 9 authorizing this Court to hear emergency matters by telephone, video or other
- means that does not require in-person attendance;

10 and being otherwise fully advised in this matter, the Court rules as follows:

11 Plaintiffs' Motion for Video Depositions is **GRANTED** in part and **DENIED** in part. The

12 Court hereby orders as follows:

- 13 • To protect the health and safety of all attorneys and witnesses during the novel
- 14 coronavirus state of emergency in a manner that still maintains consistent and
- 15 equitable access to justice, all fact witness depositions shall go forward in all Sky
- 16 Valley Education Center cases assigned to this Court for discovery and pretrial
- 17 management by utilizing telephone, video, or other means that does not require in-
- 18 person attendance.
- 19 • Plaintiffs, experts, and treating medical providers are excluded from this order at this
- 20 time. They are not to be deposed by video, telephone or other means that does not
- 21 require in-person attendance. The issue of video depositions will be re-addressed at a
- 22 status conference April 28, 2020.
- 23 • Until the novel coronavirus state of emergency is lifted, and pursuant to the March 23,
- 24 2020, order of Gov. Jay Inslee prohibiting non-essential personal contact, no attorney
- 25 shall be permitted to attend any deposition in-person.
- 26 • The parties are directed to work together to select the appropriate court reporting
- 27 company that offers remote video deposition technology so that each participant may
- 28 attend remotely from their home, office or anywhere else that has a high-speed internet

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connection.

- For purposes of this case and in the interests of justice, the 20-day notice requirement for video recording a deposition is suspended.

Dated this _____ day of March, 2020.

The Honorable Kristin Richardson

Presented by:

FRIEDMAN | RUBIN PLLP

By: s/ Henry G. Jones
 Richard H. Friedman, WSBA No. 30626
 James A. Hertz, WSBA No. 35222
 Sean J. Gamble, WSBA No. 41733
 Henry G. Jones, WSBA No. 45684
 Ronald J. Park, WSBA No. 54372

Attorneys for Plaintiffs

King County Superior Court
Judicial Electronic Signature Page

Case Number: 18-2-00001-7
Case Title: BARD ET AL VS MONSANTO CO ET AL
Document Title: ORDER RE MOTION FOR VIDEO DEPOSITIONS
Signed by: Kristin Richardson
Date: 3/25/2020 10:09:41 AM



Judge/Commissioner: Kristin Richardson

This document is signed in accordance with the provisions in GR 30.
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O=KCDJA, CN="Kristin Richardson:
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