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Of Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PRISON LEGAL NEWS, a project of the
HUMAN RIGHTS DEFENSE CENTER,

No. 3:12-cv-0071-SI

Plaintiffs,

v.

SECOND DECLARATION OF GREGORY
R. ROBERSON

COLUMBIA COUNTY; COLUMBIA
COUNTY SHERIFF'S OFFICE; JEFF
DICKERSON, individual and in his capacity
as Columbia County Sheriff,

In Support of Defendants' Surreply in
Opposition to Plaintiff's Motions to Strike

Defendants.

I, Gregory R. Roberson, declare as follows:

1. I am one the attorneys representing defendants in this matter. The statements in this declaration are based on my personal knowledge.
2. The fact discovery deadline in this matter was August 31, 2012.
3. PLN filed its Motion for Partial Summary Judgment on Declaratory and Injunctive Relief on September 13, 2012. In its motion, PLN argued that a postcard restriction on inmate mail was irrational in part because it was not adopted in response to a specific threat that had occurred at the Columbia County Jail. Dkt. 98 at 3-4.
4. On October 3, 2012, attorney Jeffrey Held agreed to provide defendants declarations that were filed in compliance with a court's order in *In re Garcia et al. v. Chief Deputy David*

Tenessen et al., Ventura County Superior Court Case No. MA-004-11 in California. Mr. Held defended Respondent Assistant Undersheriff Gary Pentis in the matter.

5. My office received a copy of the declarations from Mr. Held's office on October 5, 2012.
6. Attached as Exhibit A is a true and accurate copy of an email from Greg Roberson to Jesse Wing and Katherine Chamberlain dated October 4, 2012.
7. Defendants supplemented its initial disclosures on November 7, 2012. Attached as Exhibit B is a true and accurate copy of Defendants' Third Supplemental FRCP 26(a)(1) Disclosures.
8. Attached as Exhibit C are true and accurate excerpts from the deposition of Jim Carpenter taken on July 5, 2012.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Respectfully submitted this 9th day of November, 2012.

By: /s/ Gregory R. Roberson
Gregory R. Roberson

Gregory Roberson

From: Gregory Roberson
Sent: Thursday, October 04, 2012 12:45 PM
To: Jesse Wing; 'Katherine C. Chamberlain'
Cc: Brina M. Carranza; Jennifer King
Subject: PLN v. Columbia County - Additional CD with discovery
Attachments: CC002303-2343.PDF

Jesse and Katie:

Jim Carpenter recently cleaned-out the office he used when he was the Jail Commander. As he did this, he found a CD in a stack of other CDs. The CD contained documents from Washington County and Marion County relevant to the institution of the postcard restriction on inmate mail in 2010. You may already have some of these documents.

Greg Roberson
Hart Wagner LLP
1000 SW Broadway Suite 2000
Portland, OR 97205
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EXHIBIT A
PAGE 1 OF 2

OREGON STATE SHERIFF'S ASSOCIATION

Oregon State Jail Command Council



TRANSITION TO POSTCARDS
FOR INMATE MAIL

Cmdr. Marie Tyler, WCSO
12-09-09

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Of Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PRISON LEGAL NEWS, a project of the
HUMAN RIGHTS DEFENSE CENTER,

No. 3:12-0071-SI

Plaintiff,

v.

DEFENDANTS' THIRD
SUPPLEMENTAL FRCP 26(a)(1)
DISCLOSURES

COLUMBIA COUNTY; COLUMBIA
COUNTY SHERIFF'S OFFICE; JEFF
DICKERSON, individually and in his capacity
as Columbia County Sheriff,

Defendants.

In accordance with Fed. R. Civ. P. 26(a)(1), defendants disclose the following:

1.

Defendants object to producing name and contact information of individuals likely to have discoverable information if the name and/or contact information of the individual is subject to attorney-client privilege, work product or materials prepared in anticipation of litigation.

Subject to these objections, defendants disclose the following:

- a. Sheriff Jeff Dickerson. He can be reached through defense counsel. He has discoverable information regarding the adoption of defendants' inmate mail policies.

///

- b. Undersheriff Andy Moyer. He can be reached through defense counsel. He has discoverable information regarding the adoption of defendants' inmate mail policies.
- c. Sergeant Bryan Cutright. He can be reached through defense counsel. He has discoverable information regarding the adoption of defendants' inmate mail policies.
- d. Sergeant Lee Rigdon. He can be reached through defense counsel. He has discoverable information regarding the adoption of defendants' inmate mail policies.
- e. Plaintiff's representatives to be disclosed through discovery. It is expected that their testimony will relate to plaintiff's claimed damages.
- f. All individuals identified in documents to be produced by plaintiff, all documents produced in discovery and all documents provided in response to subpoena, if any.
- g. All individuals named in any interrogatory response, if any.
- h. All individuals listed in plaintiff's Fed. R. Civ. P. 26(a) disclosures.

SUPPLEMENTAL RESPONSE: Without waving the above objections, defendants are not withholding any privileged information about witnesses it may use to support its defenses.

2.

Defendants object to producing documents subject to attorney-client privilege, work product or materials prepared in anticipation of litigation. Subject to these objections, defendants may use its mail policies, documents relating to the amount of mail received by the Columbia County Jail, documents produced in response to plaintiff's discovery requests, and anticipated discovery from plaintiff to support its defenses.

SUPPLEMENTAL RESPONSE: Defendants may use its mail policies attached as Exhibits A-H to the Declaration of Sheriff Jeff Dickerson. The documents relating to the amount of mail received by the Columbia County Jail are data contained in the Jail's Golden Eagle software and database program; there are no such records to produce at this time from Golden Eagle that defendants may use to support its defenses.

SUPPLEMENTAL RESPONSE (11/07/2012): Declarations attached as Exhibit L to the Declaration of Gregory R. Roberson In Support of Defendants' Response to PLN's Motion

for Partial Summary Judgment on Declaratory and Injunctive Relief. The declarants can be reached through their counsel, Jeff Held at Wisotsky, Proctor & Shyer, 300 Esplanade Drive, Suite 1500, Oxnard, CA 93036, telephone number (805) 278-0920.

Documents on a CD entitled "Transition to Postcards For Inmate Mail" produced to PLN on October 4, 2012.

3.

Defendants seek attorney fees pursuant to 42 U.S.C. § 1988 that will be decided in a post-trial proceeding.

4.

Defendants will produce a copy of its agreement with City County Insurance Services that may satisfy a judgment in this action.

SUPPLEMENTAL REPONSE: Enclosed.

SUPPLEMENTAL RESPONSE (06/12/2012): CC001563-CC001588.

Defendants reserve the right to supplement and amend these disclosures as the claims and defenses are developed through discovery.

Respectfully submitted this 7th day of November, 2012.

HART WAGNER LLP

By: _____

Steven A. Kraemer, OSB No. 882476
Gregory R. Roberson, OSB No. 064847
Of Attorneys for Defendants

for Partial Summary Judgment on Declaratory and Injunctive Relief. The declarants can be reached through their counsel, Jeff Held, at Wisotsky, Proctor & Shyer, 300 Esplanade Drive, Suite 1500, Oxnard, CA 93036, telephone number (805) 278-0920.

Documents on a CD entitled "Transition to Postcards For Inmate Mail" produced to PLN on October 4, 2012.

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SUPPLEMENTAL REPOSESE: Enclosed.

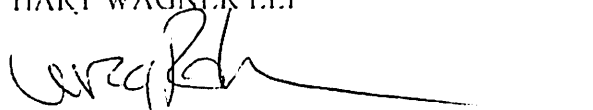
SUPPLEMENTAL RESPONSE (06/12/2012): CC001563-CC001588.

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Respectfully submitted this 7th day of November, 2012.

HART WAGNER LLP

By:



Steven A. Kraemer, OSB No. 882476
Gregory R. Roberson, OSB No. 064847
Of Attorneys for Defendants

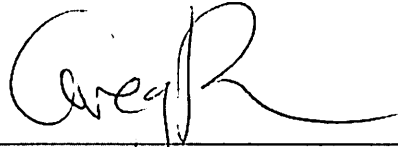
CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of November, 2012, I served the foregoing
DEFENDANTS' THIRD SUPPLEMENTAL FRCP 26(a)(1) DISCLOSURES, on the following
parties at the following addresses:

Marc D Blackman
Ransom Blackman LLP
1001 SW 5th Ave Ste 1400
Portland OR 97204

Katherine C Chamberlain
Jesse Wing
MacDonald Hoague & Bayless
705 Second Ave Ste 1500
Seattle WA 98104

e-mailing to them a true and correct copy thereof.



Gregory R. Roberson

EXHIBIT B
PAGE 5 OF 5

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF OREGON
3 PORTLAND DIVISION
4

5 PRISON LEGAL NEWS, a project
6 of the Human Rights Defense
7 Center,

No. 3:12-CV-71-SI

8 Plaintiff,

9 v.

10 COLUMBIA COUNTY; COLUMBIA
11 COUNTY SHERIFF'S OFFICE; JEFF
12 DICKERSON, individually and
13 in his capacity as Columbia
14 County Sheriff,

15 Defendants.
16
17
18
19

20 DEPOSITION OF JIM CARPENTER
21 Taken in behalf of Plaintiff
22 July 5, 2012
23
24
25

1 BE IT REMEMBERED THAT, the deposition of
2 JIM CARPENTER was reported by Aleshia K. Macom,
3 CSR No. 94-0296, on Thursday, July 5, 2012,
4 commencing at the hour of 10:02 a.m., the
5 proceedings being reported at Hart Wagner,
6 1000 SW Broadway, Suite 2000, Portland, Oregon.

7
8 APPEARANCES

9 MACDONALD HOAGUE & BAYLESS

10 By Katherine C. Chamberlain and Jesse A. Wing

11 705 Second Avenue, Suite 1500

12 Seattle, Washington 98104

13 Appearing for Plaintiff

14
15 HART WAGNER LLP

16 By Steven Kraemer

17 1000 SW Broadway, Suite 2000

18 Portland, Oregon 97205

19 Appearing for Defendants

20 * * *

EXAMINATION INDEX

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Examination by Ms. Chamberlain	4

EXHIBIT INDEX

Exhibit No.	Item	Page
91	Deposition notice	133
92	May 5, 2011 Postcard grievance response template	138
93	Inmate grievance form	142

1 JIM CARPENTER,
2 was thereupon produced as a witness and, after
3 having been duly sworn on oath, was examined and
4 testified as follows:

5
6 EXAMINATION

7 BY MS. CHAMBERLAIN:

8 Q. Good morning, Mr. Carpenter.

9 A. Morning.

10 Q. I'm Katie Chamberlain. I'm one of the attorneys
11 representing Prison Legal News in this matter.
12 For the record, Mr. Carpenter is here with Steve
13 Kraemer; the court reporter.

14 Mr. Carpenter, how do you go, what, what do
15 people call you at the jail? Do they call you
16 commander?

17 A. Captain.

18 Q. Captain Carpenter? Okay. Could you please
19 spell your full name for the record.

20 A. Jim, J I M, Carpenter, C A R P E N T E R.

21 Q. Is Jim short for James?

22 A. No.

23 Q. Okay. I'm going to be asking you some questions
24 today. And if you don't understand one of my
25 questions, I am going to need you to let me know

Carpenter, Jim

July 5, 2012

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1 still had to deal with the stamps coming in
 2 through the mail; is that right?
 3 A. I believe so.
 4 Q. Okay. So the Columbia County Jail ended up
 5 adopting a postcard-only policy; correct?
 6 A. Correct.
 7 Q. Okay. And were you involved in making that
 8 happen?
 9 A. Yes.
 10 Q. How were you involved?
 11 A. I listened to what was said at the meeting, at
 12 the OSSA meeting, and the sheriff, I believe the
 13 sheriff, it may have been brought up at the
 14 sheriff's meeting. I wasn't in there. But the
 15 sheriff asked me to look into it. I, at the
 16 meetings they said that, at the meeting they
 17 said that Washington County would purchase all
 18 the postcards. So it would be less of an
 19 expense to the inmates. And we would get those
 20 from Washington County, purchase them from
 21 Washington County.
 22 I relayed that to the sheriff and ultimately
 23 the sheriff made the decision to go with the
 24 postcard program.
 25 Q. Did I hear you say that, did I hear you mention

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1 meeting that happened in December 2009?
 2 A. I believe so.
 3 Q. And was Sheriff Dickerson at that meeting?
 4 A. Yes.
 5 Q. What about Undersheriff Moyer?
 6 A. I don't know.
 7 Q. Okay. But am I correct that you were actually
 8 at the part of the meeting where Washington
 9 County was introducing the idea of a
 10 postcard-only policy?
 11 A. That is correct.
 12 Q. Okay. And did the sheriff ask you to look into
 13 whether it would be at the appropriate, at the
 14 Columbia County Jail; is that right?
 15 A. Yes. Well, I think he asked me to look into the
 16 process of it.
 17 Q. Okay. What do you mean by that?
 18 A. How you would implement it, how we were going to
 19 implement it if we did.
 20 Q. So how did you look into that?
 21 A. I talked with Marie Tyler on one occasion on the
 22 phone.
 23 Q. Who's Marie Tyler?
 24 A. She's with Washington County Sheriffs.
 25 Q. What did you talk to her about?

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1 a meeting that you were not at?
 2 A. No.
 3 Q. No. I thought you said, you just testified I
 4 wasn't there. What were you referring to?
 5 Can you read that back.
 6 (Record read as follows:
 7 "A I listened to what was said at the
 8 meeting, at the OSSA meeting, and the
 9 sheriff, I believe the sheriff, it may
 10 have been brought up at the sheriffs'
 11 meeting.")
 12 Q. BY MS. CHAMBERLAIN: So when you refer to the
 13 sheriffs' meeting, what do you mean?
 14 A. Well, at the OSSA meeting that we went to,
 15 there's break-out sessions. And the jail
 16 commanders in one meeting, I think the
 17 undersheriffs are in another meeting and the
 18 sheriffs are in another meeting. And at times
 19 they come together and they talk about what went
 20 on at the meetings. And many times in a jail
 21 commanders' meeting we're talking about
 22 something, they may be talking about the same
 23 thing in the sheriffs' meetings and I was not at
 24 that portion of the meeting.
 25 Q. Thank you for explaining that. Was this an OSSA

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1 A. She's the one that brought it up at the OSSA
 2 meeting. And I've always been taught don't
 3 reinvent the wheel. And so they are a bigger
 4 agency than we are, much bigger, and we just
 5 followed along with their process.
 6 Q. So what did you speak with her about on the
 7 phone?
 8 A. About purchasing the postcards. I think that
 9 was the main thing. About where the postcards
 10 would come from and the cost of the postcards.
 11 Q. How long was your discussion with her?
 12 A. It was very short, as I remember.
 13 Q. A few minutes?
 14 A. Yeah.
 15 Q. Now, at the OSSA meeting when the idea of
 16 postcard-only policy was introduced, was there a
 17 discussion about why counties should adopt this
 18 policy?
 19 A. I don't remember. I know there was discussion,
 20 but it's been a long time ago.
 21 Q. Was there a discussion regarding the pros and
 22 cons of having a postcard-only policy?
 23 A. Yes.
 24 Q. What do you remember about that?
 25 A. I just remember that we talked a lot about

9 (Pages 30 to 33)

Beovich Walter & Friend

EXHIBIT

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Carpenter, Jim

July 5, 2012

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1 safety and security of the facilities and we
 2 talked about cost savings. And although it
 3 wasn't really an important part of it, I think
 4 we talked a little bit about time savings, which
 5 is cost savings.
 6 Q. Anything else?
 7 A. That's what I can remember.
 8 Q. Was there any discussion about what the possible
 9 negative effects of postcard-only policy would
 10 be?
 11 A. I don't remember.
 12 Q. Was there any discussion about prisoners'
 13 rights?
 14 A. We did talk about if, if they would be as, if it
 15 would be much different for the prisoner than
 16 what they were doing now. And the thought was
 17 they could write anything on a postcard that
 18 they could write in an envelope because we
 19 inspect the envelopes for basic safety and
 20 security anyway before they go out. So we
 21 didn't feel there was a, there was a problem as
 22 far as inmates were concerned.
 23 Q. At the time that you attend that meeting in
 24 December of 2009, you had previously done the
 25 mail inspection yourself at some point in the

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1 Q. Now, prior to the postcard-only policy, inmates
 2 at the Columbia County Jail could write multiple
 3 pieces of paper, front and back, and put them in
 4 an envelope with a stamp on it and send it out;
 5 is that right?
 6 A. Yes.
 7 Q. Okay. So at the OSSA meeting was there any
 8 discussion at all about potential negative
 9 effect of the postcard-only policy?
 10 A. I don't remember.
 11 Q. You mention that one of the topics was cost
 12 savings. What was discussed in that regard?
 13 A. What was discussed?
 14 Q. Yes.
 15 A. The only part I remember was that it would take
 16 the employee a lot less time to scan the mail.
 17 Q. Why?
 18 A. Why? Because they don't have to open the
 19 envelope, take the paper out, go through all the
 20 paper. They can just pick it up and look at it
 21 and send it on its way. Less, less had to be
 22 done as far as looking for contraband because it
 23 wasn't in an envelope.
 24 Q. Any other reason there was cost savings?
 25 A. Not that I can remember.

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1 past; is that right?
 2 A. Yes.
 3 Q. Okay. And how typically did inmates communicate
 4 by mail? Did they usually send letters in
 5 envelopes or did they usually send postcards?
 6 How did that work?
 7 A. I think the usual thing was letter envelopes.
 8 Q. Usually one piece of paper in an envelope?
 9 Multiple pages or did it vary?
 10 A. It varied.
 11 Q. Was there a discussion at the OSSA meeting that
 12 prisoners had less room to write on a postcard
 13 than they did using letters --
 14 A. I don't think that was in discussion.
 15 Q. Do you agree?
 16 A. Do I agree with what?
 17 Q. Do you agree that postcards provide less space
 18 for an inmate to write to someone when compared
 19 to writing on multiple pieces of paper and
 20 putting them in an envelope?
 21 A. Well, I would say that it could be less space.
 22 But I feel like they write smaller and they
 23 write on both sides of it and they can write as
 24 many postcards as they want. So I don't think
 25 that's, I didn't feel that was an issue.

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1 Q. Had any studies been done on the amount of
 2 savings or --
 3 A. Not that I know of.
 4 Q. Before implementing the postcard-only policy at
 5 the Columbia County Jail, did you have any
 6 discussions with the leadership at the jail
 7 about whether or not that kind of policy would
 8 be appropriate?
 9 A. Who do you mean when you say the leadership of
 10 the jail?
 11 Q. Sergeants, first sergeants, undersheriff,
 12 sheriff?
 13 A. Well, we brought up the postcard policies
 14 several times before we implemented them, and to
 15 the best of my recollection nobody really had an
 16 issue with it, a negative issue with it.
 17 Q. So you never received any negative feedback?
 18 A. Not that I remember.
 19 Q. At the time that the sheriff asked you to
 20 determine how to implement the policy, had a
 21 decision already been made to adopt a
 22 postcard-only policy?
 23 A. I don't remember.
 24 Q. How was the decision made to adopt a
 25 postcard-only policy at the Columbia County

10 (Pages 34 to 37)

Beovich Walter & Friend

EXHIBIT

PAGE 6 OF 9

Carpenter, Jim

July 5, 2012

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1 phone. There be was not a specific deputy.
 2 Q. So there wasn't some sort of recording like
 3 press 3 to hear about inmate mail?
 4 A. Not that I know of.
 5 Q. And did you play any role in ensuring that the
 6 deputies that answered that phone line had
 7 up-to-date information about the mail policies
 8 and procedures?
 9 A. No.
 10 Q. Who did that?
 11 A. Sergeant Cutright.
 12 Q. And did you take any steps to make sure he was
 13 doing that?
 14 A. No.
 15 Q. What about the jail's website, who was
 16 responsible for making sure that the website had
 17 up-to-date information available to the public
 18 about the inmate mail procedures and policies?
 19 A. The sheriff.
 20 Q. So how did, how did that work? Did you play any
 21 role in providing information to the sheriff to
 22 put on the website?
 23 A. No.
 24 Q. Who did that?
 25 A. I didn't. I don't know.

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1 Q. Did you take any steps to make sure that indeed
 2 what says, what it says here, the inmate guide
 3 actually happened, that is, information was
 4 provided to the public on the sheriff's website
 5 about inmate mail?
 6 A. I didn't know anything about the website. I had
 7 never been on the website.
 8 Q. So am I correct in assuming you did not take any
 9 steps to make sure that that was happening?
 10 A. That's correct.
 11 Q. I direct your attention to Exhibit 12, please.
 12 Have you seen this before?
 13 A. Have I seen this printout before?
 14 Q. Yes.
 15 A. Yes.
 16 Q. Okay. When was that?
 17 A. On Tuesday.
 18 Q. Okay. And prior to Tuesday of this week, had
 19 you seen this before?
 20 A. No.
 21 Q. Okay. Did you review any other documents on
 22 Tuesday?
 23 A. Not that I remember.
 24 Q. And did you review this document in preparation
 25 for your deposition?

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1 A. Well, I was just shown it and asked if I knew of
 2 this document.
 3 MR. KRAEMER: Don't talk about what was
 4 discussed.
 5 THE WITNESS: Sorry.
 6 Q. BY MS. CHAMBERLAIN: Did you look at any other
 7 documents?
 8 A. Not that I remember.
 9 Q. This was two days ago?
 10 A. Yes.
 11 Q. And you're not sure if you looked at any other
 12 documents?
 13 A. No.
 14 Q. Okay. You had mentioned, Captain Carpenter,
 15 earlier in your deposition that you didn't,
 16 don't have a great memory.
 17 A. That's correct.
 18 Q. Why is that?
 19 A. Well, I don't know why that is. My grandfather,
 20 grandmother both had Alzheimer's disease and I'm
 21 fighting a little bit of my memory.
 22 Q. Okay. How long have you struggled with that?
 23 A. For a while.
 24 Q. More than a few months?
 25 A. Yes.

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1 Q. Okay. Did you struggle with that while you were
 2 the jail commander?
 3 A. Some.
 4 Q. Including that first year that you were the jail
 5 commander?
 6 A. Does this get into the medical thing?
 7 MR. KRAEMER: Well, she's getting pretty
 8 close and I think that's appropriate. I don't
 9 think she's there yet.
 10 THE WITNESS: Yeah. Little bit.
 11 Q. BY MS. CHAMBERLAIN: In 2009 you had some --
 12 A. I believe I was, yeah.
 13 Q. -- memory problems? Okay. We're interrupting
 14 each other again. I know it's hard for the
 15 court reporter. So let's try and be careful
 16 about that.
 17 So do you recognize the information in
 18 Exhibit 12?
 19 A. I recognize it as being pretty much what's in
 20 the inmate manual.
 21 Q. Okay. Were there any exceptions?
 22 A. I haven't read it that close.
 23 Q. Why don't you take a moment to look at
 24 Exhibit 12.
 25 A. I believe it's pretty much what's in the inmate

22 (Pages 82 to 85)

Carpenter, Jim

July 5, 2012

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1 manual.
 2 Q. So is the content of Exhibit 12 what you
 3 understand to be the jail's policies and
 4 procedures or summary of those policies and
 5 procedures regarding inmate mail at the time
 6 that you were jail commander?
 7 A. Yes.
 8 Q. Okay. Could you take a look, please, at
 9 Exhibit 6. Have you seen Exhibit 6 before?
 10 A. Yes.
 11 Q. When did you see it?
 12 A. It was sent to me in the mail.
 13 Q. When was it sent to you?
 14 A. I don't remember the date.
 15 Q. Was it in the past couple weeks?
 16 A. Maybe in the past three weeks or so.
 17 Q. And was Exhibit 6 sent to you in this form, that
 18 is, with the questions and responses included?
 19 A. I don't believe so.
 20 Q. So did you just receive the questions or what is
 21 it that you remember receiving?
 22 A. I just received the letter and, I didn't receive
 23 this.
 24 Q. Okay.
 25 A. I just, I just received a letter in the, I

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1 didn't receive this. I just received a letter
 2 saying that I was going to be --
 3 MR. KRAEMER: Don't say what it said.
 4 THE WITNESS: I just received a letter.
 5 Q. BY MS. CHAMBERLAIN: The letter from your
 6 attorney?
 7 A. Yes.
 8 Q. Okay. And did you receive something like
 9 Exhibit 6? Sounds like it looked familiar to
 10 you.
 11 A. Like this? No.
 12 Q. You may just be referring to the heading on the
 13 first page?
 14 A. Yeah. This first page. I mean, I remember this
 15 part right here.
 16 Q. Okay.
 17 A. But I don't remember any, I didn't get any of
 18 that.
 19 Q. Okay. Have you at any time since February this
 20 year received a copy of the request for
 21 documents that Prison Legal News asked the
 22 sheriff to produce?
 23 A. I, in the letter that I received it did ask for
 24 documents in there.
 25 Q. Okay. Are you referring to the subpoena for

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1 your deposition?
 2 A. Yes.
 3 Q. Okay. And did you take steps to look for any
 4 documents?
 5 A. I don't have access to those now that I'm
 6 retired.
 7 Q. Okay. Did you read the request for documents?
 8 A. Did I read it?
 9 Q. Yes.
 10 A. I believe so.
 11 Q. And did you take any steps to look for documents
 12 you may have in your possession at home or at
 13 work?
 14 A. I don't have any.
 15 Q. Okay. You knew that as soon as you read it?
 16 A. Yes. I didn't take anything when I left the
 17 sheriff's office.
 18 Q. Do you have a personal e-mail account?
 19 A. Do I have a personal e-mail account?
 20 Q. Yes.
 21 A. Sure.
 22 Q. Okay. And did you have it, do you have any
 23 information in your personal e-mail account
 24 regarding your work at the Columbia County
 25 Sheriff's Office?

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1 A. None.
 2 Q. So you never forwarded e-mails --
 3 A. No.
 4 Q. -- to that personal account?
 5 A. No, I didn't.
 6 Q. Okay. What is your current job with the
 7 Columbia County Sheriff's Office?
 8 A. I'm a facilities person. I help the maintenance
 9 man, make sure that the facility is functioning
 10 properly.
 11 Q. When you say facilities, what facilities are you
 12 referring to?
 13 A. The jail itself, the building, the outside of
 14 the building, in the building.
 15 Q. So do you supervise the maintenance persons?
 16 A. No. I don't supervise them. I work with them.
 17 Q. Okay. So what specifically do you do?
 18 A. Well, whatever comes up with the facility, I try
 19 to facilitate it as far as making sure that, for
 20 instance, had a leak in the water pipe. Because
 21 I was there when they built the facility, I was
 22 involved in making sure that the repair of that
 23 was done properly and helped with the people
 24 that put it in and the people that designed it
 25 and so forth.

23 (Pages 86 to 89)

Beovich Walter & Friend

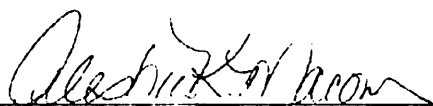
EXHIBIT C
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C E R T I F I C A T E

I, Aleshia K. Macom, CSR No. 94-0296, do hereby certify that JIM CARPENTER personally appeared before me at the time and place mentioned in the caption herein; that the witness was by me first duly sworn on oath, and examined upon oral interrogatories propounded by counsel; that said examination, together with the testimony of said witness, was taken down by me in stenotype and thereafter reduced to typewriting; and that the foregoing transcript, Pages 1 to 143, both inclusive, constitutes a full, true and accurate record of said examination of and testimony given by said witness, and of all other proceedings had during the taking of said deposition, and of the whole thereof, to the best of my ability.

Witness my hand at Portland, Oregon, this 18th day of July, 2012.




Aleshia K. Macom
CSR No. 94-0296