

1 **SUPERIOR COURT OF THE STATE OF WASHINGTON**
2 **FOR SAN JUAN COUNTY**
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The LAW OFFICE OF JAMES P. Grifo,
LLC a Washington State Limited Liability
Company; and THE LAW OFFICE OF
NICHOLAS POWER, PLLC, a
Washington State Professional Limited
Liability Company,

Plaintiffs,

v.

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL
EMPLOYEES, A LABOR UNION;
WALTER BLAIR, as purported
administrator of Local 114; COLIN
MAYCOCK as a member of Local 1849,
President of Local 1849, and as a member
of American Federation of State, County
and Municipal Employees; JAEL
KOMAC, a member of Local 114, as
Former President Local 114, and a
member Of American Federation of State
And Municipal Employees; LOCAL
1849, a labor union operating in the State
of Washington; and LOCAL 114, a labor
union operating in the State of
Washington.

Defendants,

Case No. 19-2-0517928

**RESPONSE TO MOTION FOR
SUMMARY JUDGEMENT**

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6 The following reply is written in response to and in opposition of the relief sought
7 by the Motion for Summary Judgment filed by the American Federation of State
Response of Colin Maycock
DEFENDANT'S REQUEST FOR
SUMMARY JUDGEMENT
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8 County and Municipal Employees in the above captioned matter. I was a client of
9 Attorneys James Grifo and Nicholas Power and request the Court recognize and
10 protect my private communication with my attorneys. I have not waived those
11 rights and believe that I was permanently protected when I retained legal counsel.
12 I believe granting AFSCME the right to the client file will allow AFSCME to use
13 the communication contained therein against my interest.

14 **I.**

15 **Local 1849's Attorney-Client has not been waived**

16 1.1 Local 114 no longer exists and whatever claim upon the information
17 in the client file that AFSCME may have had, evaporated on the day the Guild of
18 Pacific Northwest Employees was certified by the Public Employees Relations
19 Commission (PERC) as the sole representative for the workers in the City of
20 Bellingham.

21 1.2 AFSCME claimed that Local 1849 and myself had waived attorney
22 client privilege by signing the joint agreement with Local 114.
23 Now that Local 114 no longer exists, the agreement between myself, Local 1849
24 and the attorneys, James Grifo and Nicholas Power, is exclusive and neither I nor
25 Local 1849 wish to waive our attorney-client privilege.

26 1.3 The United States Supreme Court ruled in *Upjohn Co. v. United*
27 States (1981), that; “The attorney-client privilege is the oldest of the privileges for
28 confidential communications known to common law. Its purpose is to encourage
29 full and frank communication between attorneys and their clients, and thereby
30 promote broader public interests in the observance of law and administration of
31 justice. The privilege recognizes that sound legal advice or advocacy serves public
32 ends and that such advice or advocacy depends upon the lawyer’s being fully
33 informed by the client.”

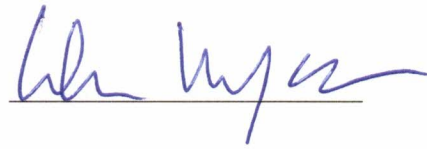
34 1.4 The district court for Southern District of New York (SDNY) stated in
35 *Golden Trade v. Lee Apparel Co.* (S.D.N.Y. 1991) that attorney-client privilege is
36 “absolute in the sense that it cannot be overcome merely by a showing that the
37 information would be extremely helpful to the party seeking disclosure.”

38 1.5 I and Local 1849 communicated freely with James Grifo and Nicholas
39 Power because we understood our communications were privileged and would not
40 be shared with people or organizations whose interests were adverse to those of the
41 Local and myself

42 1.6 My declaration, submitted to the Court on December 10, 2019,
43 contained evidence of multiple examples of malfeasance by AFSCME
44 international and Washington State Council of County and City Employees,

45 (WSCCCE) that demonstrate both organizations routinely violate the rights of their
46 members. The repeated and demonstrable mal actions of these organizations are
47 clear demonstrations that both organizations interests are adverse to those interests
48 of myself and the members of Local 1849.

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51 RESPECTFULLY SUBMITTED this day, the 15th of June 2020.

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56 Colin Maycock
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