

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROBERT E. CARUSO and SANDRA L.  
FERGUSON,

Plaintiffs,

v.

WASHINGTON STATE BAR  
ASSOCIATION 1933, a legislatively created  
Washington association, State Bar Act (WSBA  
1933); WASHINGTON STATE BAR  
ASSOCIATION after September 30, 2016  
(WSBBA 2017); PAULA LITTLEWOOD,  
Executive Director, WSBA 1933 and WSBA  
2017, in her official capacity; ROBIN LYNN  
HAYNES is the President of the WSBA 1933  
and WSBA 2017, in her official capacity;  
DOUGLAS J. ENDE, Director of the WSBA  
1933 and WSBA 2017 Office of Disciplinary  
Counsel, in his official capacity; WSBA  
1933/WSBA 2017 BOARD OF  
GOVERNORS, namely: BRADFORD E.  
FURLONG-President-elect (2016-2017), *et al.*,

Defendants.

No. 2:17-cv-00003

DECLARATION OF TAKI FLEVARIS  
IN SUPPORT OF DEFENDANTS'  
MOTION FOR PRE-FILING ORDER

Hearing Date: May 18, 2018

WITHOUT ORAL ARGUMENT

I, Taki Flevaris, declare as follows:

1. I am a partner at Pacifica Law Group and counsel of record for Defendants the

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FACSIMILE: (206) 245.1750

1 Washington State Bar Association and its employees and officials (collectively, the “WSBA”). I  
2 make this declaration based on personal knowledge and am competent to testify.

3 2. I have represented the WSBA in numerous lawsuits that Plaintiff Stephen Kerr  
4 Eugster (“Eugster”) has filed in federal and state courts across Washington State since 2015.

5 3. Attached hereto as **Exhibit 1** is a true and correct copy of the Complaint for  
6 Declaratory Relief and Injunction in *Eugster v. Wash. State Bar Ass’n*, No. CV 09-357-SMM  
7 (E.D. Wash. 2010) (“*Eugster II*”).

8 4. Attached hereto as **Exhibit 2** is a true and correct copy of the Amended and  
9 Restated Complaint in *Eugster II*.

10 5. Attached hereto as **Exhibit 3** is a true and correct copy of the Order Granting  
11 Defendants’ Motion to Dismiss in *Eugster II*.

12 6. Attached hereto as **Exhibit 4** is a true and correct copy of the Opinion affirming  
13 the dismissal in *Eugster II*. The Supreme Court denied review of this case. *Eugster II*, 137 S.  
14 Ct. 2315 (2017).

15 7. Attached hereto as **Exhibit 5** is a true and correct copy of the Complaint for  
16 Declaratory Relief in *Eugster v. Wash. State Bar Ass’n*, No. C15- 0375-JLR (W.D. Wash. 2015)  
17 (“*Eugster III*”).

18 8. Attached hereto as **Exhibit 6** is a true and correct copy of the Amended  
19 Complaint in *Eugster III*.

20 9. Attached hereto as **Exhibit 7** is a true and correct copy of the Order Granting in  
21 Part and Denying in Part Defendants’ Motion to Dismiss and Striking Plaintiff’s Surreply in  
22 *Eugster III*.

23 10. Attached hereto as **Exhibit 8** is a true and correct copy of the Opinion affirming

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1 the dismissal in *Eugster III*.

2 11. Attached hereto as **Exhibit 9** is a true and correct copy of the Complaint for  
3 Declaratory Judgements, Injunction, and Damages in *Eugster v. Wash. State Bar Ass'n*, 198 Wn.  
4 App. 758 (2017) ("*Eugster IV*").

5 12. Attached hereto as **Exhibit 10** is a true and correct copy of the Amended and  
6 Restated Complaint in *Eugster IV*.

7 13. Attached hereto as **Exhibit 11** is a true and correct copy of the Conclusions and  
8 Order Granting Defendants' Motion to Dismiss in *Eugster IV*.

9 14. Attached hereto as **Exhibit 12** is a true and correct copy of the Opinion affirming  
10 the Order Granting Defendants' Motion to Dismiss in *Eugster IV*.

11 15. Attached hereto as **Exhibit 13** is a true and correct copy of the Washington  
12 Supreme Court's Order Terminating Review of *Eugster IV*.

13 16. Attached hereto as **Exhibit 14** is a true and correct copy of the "Complaint on  
14 Remand" filed in *Eugster IV*.

15 17. Attached hereto as **Exhibit 15** is a true and correct copy of the letter rejecting the  
16 "Complaint on Remand" in *Eugster IV*.

17 18. Attached hereto as **Exhibit 16** is a true and correct copy of the Complaint for  
18 Declaratory Relief and Injunction in *Eugster v. Littlewood*, No. 2:15-CV-0352-TOR (E.D. Wash.  
19 2016) ("*Eugster V*").

20 19. Attached hereto as **Exhibit 17** is a true and correct copy of the Amended and  
21 Restated Complaint in *Eugster V*.

22 20. Attached hereto as **Exhibit 18** is a true and correct copy of the Order Granting  
23 Defendants' Motion to Dismiss in *Eugster V*.

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1           21. Attached hereto as **Exhibit 19** is a true and correct copy of the Notice of Appeal  
2 to the Ninth Circuit Court of Appeals in *Eugster V*. This appeal is currently pending and is set to  
3 be heard May 15, 2018.

4           22. Attached hereto as **Exhibit 20** is a true and correct copy of the Complaint for  
5 Declaratory and Injunctive Relief in *Eugster v. Wash. State Bar Ass'n*, No. 2:16-cv-01765 (W.D.  
6 Wash. Nov. 15, 2016) ("*Eugster VI*").

7           23. Attached hereto as **Exhibit 21** is a true and correct copy of the Notice of  
8 Voluntary Dismissal in *Eugster VI*. Eugster filed this dismissal shortly after the WSBA drafted a  
9 motion to dismiss this case.

10           24. Attached hereto as **Exhibit 22** is a true and correct copy of the Complaint for  
11 Declaratory and Injunctive Relief in *Caruso v. Wash. State Bar Ass'n*, No. C17-003 RSM, 2017  
12 WL 1957077 (W.D. Wash. Jan. 3, 2017) ("*Caruso*").

13           25. Attached hereto as **Exhibit 23** is a true and correct copy of the First Amended  
14 Complaint in *Caruso*.

15           26. Attached hereto as **Exhibit 24** is a true and correct copy of Order Granting  
16 Motion to Dismiss in *Caruso*.

17           27. Attached hereto as **Exhibit 25** is a true and correct copy of Order Granting  
18 Motion for Attorney Fees in *Caruso*.

19           28. Attached hereto as **Exhibit 26** is a true and correct copy of the Order Setting the  
20 Fee Award in *Caruso*. Eugster has not paid this fee award despite multiple requests from the  
21 WSBA's attorneys requesting that he do so.

22           29. Attached hereto as **Exhibit 27** is a true and correct copy of the Notice of Appeal  
23 to the Ninth Circuit Court of Appeals in *Caruso*.

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1           30. Attached hereto as **Exhibit 28** is a true and correct copy of the Opening Appellate  
2 Brief regarding Fees to the Ninth Circuit Court of Appeals in *Caruso*.

3           31. Attached hereto as **Exhibit 29** is a true and correct copy of the Memorandum  
4 Judgment on the Merits from the Ninth Circuit Court of Appeals in *Caruso*.

5           32. Attached hereto as **Exhibit 30** is a true and correct copy of the Memorandum  
6 Judgment on the Fees Ruling from the Ninth Circuit Court of Appeals in *Caruso*.

7           33. Attached hereto as **Exhibit 31** is a true and correct copy of the Petition for  
8 Rehearing en Banc on the merits in *Caruso*. That request is currently pending.

9           34. Attached hereto as **Exhibit 32** is a true and correct copy of the Petition for  
10 Rehearing en Banc on fees in *Caruso*. That request is currently pending.

11           35. Attached hereto as **Exhibit 33** is a true and correct copy of an email chain  
12 between me and Eugster, dated March 6, 2018. Eugster has not responded to either of the emails  
13 in this chain.

14           36. Attached hereto as **Exhibit 34** is a true and correct copy of the Complaint for  
15 Declaratory Determinations, Judgments and Injunctions in *Eugster v. Supreme Court of Wash.*,  
16 No. 17-2-00228-34 (Thurston Cnty. Super. Ct. 2017) ("*Eugster VII*").

17           37. Attached hereto as **Exhibit 35** is a true and correct copy of the First Amended  
18 Complaint in *Eugster VII*.

19           38. Attached hereto as **Exhibit 36** is a true and correct copy of the Second Amended  
20 Complaint in *Eugster VII*.

21           39. Attached hereto as **Exhibit 37** is a true and correct copy of the Order of Dismissal  
22 in *Eugster VII*. Eugster filed this dismissal shortly after the WSBA filed a motion to dismiss this  
23 case.

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1           40.     Attached as **Exhibit 38** is a true and correct copy of a January 11, 2018 email  
2 from me to Eugster. Eugster never responded to this email.

3           41.     Attached as **Exhibit 39** is a true and correct copy of an email chain between me  
4 and Eugster, dated February 5, 2018.

5           42.     Attached as **Exhibit 40** is a true and correct copy of an email chain between me  
6 and Eugster, dated February 13, 2018.

7           43.     Attached hereto as **Exhibit 41** is a true and correct copy of the Complaint for  
8 Declaratory and Injunctive Relief in *Eugster v. Littlewood*, No. CV-00392 (E.D. Wash. Nov. 25,  
9 2017) ("*Eugster VIII*").

10           44.     Attached hereto as **Exhibit 42** is a true and correct copy of the Defendant's  
11 Motion to Dismiss in *Eugster VIII*.

12           45.     Attached hereto as **Exhibit 43** is a true and correct copy of the Amended  
13 Complaint in *Eugster VIII*

14           46.     Attached hereto as **Exhibit 44** is a true and correct copy of the Defendants' Joint  
15 Motion to Dismiss in *Eugster VIII*. This motion remains pending at this time.

16           47.     Attached hereto as **Exhibit 45** is a true and correct copy of the Request for  
17 Recusal in *Eugster VIII*.

18           48.     Attached hereto as **Exhibit 46** is a true and correct copy of the Order Denying  
19 Recusal in *Eugster VIII*.

20           49.     Attached hereto as **Exhibit 47** is a true and correct copy of the Complaint and  
21 Summons in *Eugster v. Wash. State Bar Ass'n*, No. 18-2-00542-1 (Spok. Cnty. Super. Ct. 2018)  
22 ("*Eugster IX*"). This case remains pending.

23           50.     Attached hereto as **Exhibit 48** is a true and correct copy of the Complaint for  
24 DECLARATION OF TAKI FLEVARIS IN  
25 SUPPORT OF DEFENDANTS' MOTION FOR PRE-  
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1 Declaratory Judgment in *Eugster v. Littlewood*, No. 18-2-01360-34 (Thurston Cnty. Super. Ct.  
2 2018) (“*Eugster X*”).

3 51. Attached hereto as **Exhibit 49** is a true and correct copy of the Amended  
4 Complaint for *Eugster X*. The WSBA and the Justices filed a motion to stay *Eugster X* pending  
5 resolution of *Eugster VII* given the overlap in claims and issues. A hearing on that motion is set  
6 for May 11, 2018 and this case remains pending.  
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8 52. Attached hereto as **Exhibit 50** is a copy of an apparent Summons and Complaint  
9 for Declaratory Judgment in *Eugster v. Wash. State Bar Ass'n*, No. 18-2-01561-2 (Spok. Cnty.  
10 Super. Ct. 2018) (“*Eugster XI*”). *Eugster* included this document in an appendix he filed in  
11 another case against the WSBA.

12 I declare under penalty of perjury under the laws of the United States of America that the  
13 foregoing is true and correct.  
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15 Signed this 3rd day of May, 2018, at Seattle, Washington.

16  
17 /s/ Taki Flevaris  
Taki V. Flevaris, WSBA #42555  
Attorney for Defendants  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of May, 2018, I electronically filed the foregoing document with the United States District Court ECF system, which will send notification of such filing to the following:

Stephen Kerr Eugster  
Eugster Law Office PSC  
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*Pro Se*

*Attorney for Plaintiff Robert E. Caruso*

DATED this 3<sup>rd</sup> day of May, 2018.



Tricia O'Konek