



02/21/2009 FRI 11:01 PM 000010004 PUBLIC DISCUSSION FILE

I was immediately contacted by one of the medics on scene and was advised that the injured subject was not fully cooperating. I identified myself to Lori as Trooper Armstrong. She immediately recognized the name and became very cooperative with me. I asked Lori if anybody else was in the vehicle with her and she stated, "no." I asked her if she was driving the vehicle and she stated, "yes." I told her that I would take care of the dog and any other needs she might have, but we needed to have her checked out by the medics. She immediately calmed down. Without any questioning about the use of alcohol she immediately told me that she had only one drink and then half of another.

The medics started their evaluation of her so I left for a moment in order to deal with the police dog. I instructed the fire personnel to put the dog in one of the state patrol cars in the back seat. Shortly after this conversation I noticed that Lori was giving the medics problems again because she would not lie down on the gurney. I asked her politely to lie down on the gurney and cooperate. She finally complied. Before this all took place I verified her name as **Lori Harris**. I immediately recognized her as the K-9 officer for Ferndale Police Department.

I contacted Lori in the medic unit to continue with some of my questioning. During this contact and the earlier contacts I detected a strong odor of intoxicants about her breath. I noticed that she had bloodshot and glassy eyes, as well as very slurred speech. I asked her if she had anything to drink and she stated, "yes, but I only had one glass and then another half." I asked her if she was drinking beer or hard alcohol. She stated that she was drinking hard alcohol. I asked her if it was rum or whiskey. She stated that she did not know, stating, "it was whatever was in the glass." I asked her if she is currently taking any medication. She stated that she was taking Zoloft and had taken some Valium. I asked her why she was taking Valium. She stated that she was supposed to be going to the dentist today but never did, and that the Valium was to relax her. I asked her where she was coming from and she said Bellingham. I asked her where she was headed to and she stated, "Seattle." I had her blow into a PBT, which provided a reading of a .129. I showed Lori the results. She was very surprised about the result but stated, "normally I am blacked out at that high of a reading. I don't drink that often and I know better. Whenever I have one drink I don't drive."

The medics informed me that they had to leave because of the complaint about her side. I stepped out of the medic unit and they left. I cleared the scene and met the medics at the St. Joseph's emergency room. Trooper Hintz remained on scene to impound the vehicle and clear the road. Before leaving the scene I obtained the driver's wallet from the inside of the vehicle. The wallet had a WA driver's license in it, which identified the driver as Lori Kalene Harris DOB01-15-73. I also verified the owner of the vehicle via a registration found in the car. The registered owner is Lori Kalene Harris. Prior to leaving the scene I searched the vehicle for her duty weapon. I later learned that the duty weapon was left at her primary residence.

I advised dispatch to notify the on call supervisor about the pending arrest. I secured the K-9 in my patrol car and transported it to the hospital. I requested that the Ferndale Police Chief be notified and request a disposition for the K-9.

At 0243, after arriving at the hospital, I contacted Lori Harris in bed #18. I advised her that she was under arrest for DUI. By this time she was already escalating through mood swings, which included crying to being very cooperative, pleasant, and understanding. At 0244 I read the defendant her constitutional rights and waiver of rights, which she stated she understood. She was unable to sign due to her medical condition. Just as I started the rights Lori stated, "I know them by heart." After the rights were read she asked me if she could speak with me in private. She asked everybody to leave the room. I spoke with Lori in private. She was very apologetic for the incident and stated that she had been going through some very rough times. Lori informed me that she had cancelled her engagement, has had a person stalking her over the last year, and has been having an affair with a person she works with. I tried to understand her

position and listen to what she had to say. Shortly after this conversation we moved on to the additional paperwork.

At 0300 I read the defendant her implied consent warnings for blood, which she stated she understood. Once again she was unable to sign due to the medical condition. I asked her if she would submit to a blood test. She asked for a lawyer at this stage.

I asked her what attorney she wanted called and she stated, "Michael Tario." I called Michael Tario at his office number but was unable to reach him. The office message gave an answering service of 647-3172. I called the answering service and advised them that it was imperative that Michael Tario is contacted. I called the answering service back two additional times, but they were unable to contact Atty. Michael Tario. I asked her who she wanted me to call next. I showed her the phone book and she pointed out Jill Bemstein. I called Jill at her office number and got an answering machine only. I asked again and she pointed out Tony Parise. I called that number and again received an answering machine. Finally she resorted to a public defender. I called Bob Baird-Levine directly at his house. They spoke for about twenty-five minutes. After the private phone conversation the attorney informed me that she would submit to a legal blood test but would not answer any more questions. I asked the defendant if she would submit to a blood test. She stated, "I'll do a legal blood test but I will not answer any more questions."

At 0430 Nurse Debbie Mickschl cleaned the defendants left arm with a Betadine solution. The blood was drawn from the left arm and two vials were provided. Trooper Cadet Bryan Ensley #839 later entered these items into the WSP evidence system. TC Ensley was present for most of the contact and most of the conversations.

Blood analysis report forthcoming.

Prosecutor Dave McEachran notified at about 0500.

TIC Trooper James VanDiest notified at time of Collision

LIC Sgt. Don Ney notified by VanDiest.

CIC Lt. Gary Shand notified via radio.

Chief Baker notified by Trooper VanDiest

Sgt. Lonnie Bauman took custody of K-9 at the hospital.

I certify (declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (RCW 9A.72.085.)

 990  
TROOPER JW Armstrong #990  
WHATCOM COUNTY

RECEIVED

FEB 26 2009

Law, Lyman, Daniel  
Kamerrer & Bogdanovich

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**SUPERIOR COURT OF WASHINGTON  
FOR THE COUNTY OF SNOHOMISH**

LORI K. BATIOT,

Plaintiff,

v.

CITY OF BRIER, a Washington City,

Defendant.

NO. 09 2 01822 5

**PLAINTIFF'S ANSWERS TO  
DEFENDANT'S FIRST  
INTERROGATORIES AND  
REQUEST FOR PRODUCTION**

**INTERROGATORIES**

**Interrogatory No. 1:**

Provide the name, address, and telephone number of each person who provided information or documents considered or used in answering and responding to these first interrogatories and requests for production.

**ANSWER:**

Lori Batiot  
Donna Mack



PLAINTIFF'S ANSWERS AND  
RESPONSES TO DEFENDANT'S FIRST  
INTERROGATORIES AND REQUESTS  
FOR PRODUCTION  
PAGE 1 OF 19

SCOTT, KINNEY & FJELSTAD  
600 UNIVERSITY, SUITE 1928  
SEATTLE, WA 98101-4178  
TEL: (206) 622-2200  
FAX: (206) 622-9671

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**Interrogatory No. 2:**

With respect to each person identified in response to Interrogatory No. 1, describe the information or documentation provided.

**ANSWER:**

Lori Batiot: Answers to Interrogatories 1-13, all documentation.  
Donna Mack: Answer to Interrogatory 14.

**Interrogatory No. 3:**

Identify every employer for whom you worked from January 1, 1995 to the present, and the inclusive dates of such employment.

**Answer:**

1994-January 1998 Café Gogo, Bellingham, WA.  
January 1, 1998-July 2001, Ferndale Police Dept., Ferndale, WA  
September 18, 2001-October 20, 2007, Brier Police Dept.  
March 2005-May 2007, Brier Realty, Brier, WA  
December 2001-April 2005, Akela,  
July 2007-present, Realstar, Shoreline, WA

**Interrogatory No. 4:**

For each employer listed in your response to Interrogatory No. 3, describe in detail your job duties, job responsibilities, and job title.

**Answer:**

1

2

Café Gogo: Barista/Assistant Manager

Ferndale Police Department: Police Officer and K-9 Handler

3

Brier Police Department: Police Officer and Detective

Brier Realty: Real Estate Agent

4

Akela: Security Officer/Flagger. Worked mostly at SeaTac Airport and Port of Seattle.

5

Realstar: Personal Assistant to a real estate agent. Show houses, marketing assistant, client care

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**Interrogatory No. 5:**

11

Identify every prospective employer and/or person to which you applied for employment from January 1, 2006 to the present.

12

13

**Answer:**

Realstar

14

Duvall/Carnation Police Department

Seattle Police Department

15

16

17

18

19

**Interrogatory No. 6:**

20

State the date(s) on which you applied for employment with each prospective employer and/or person listed in your response to Interrogatory No. 5.

21

**Answer:**

22

23

Realstar: March 2006

Duvall/Carnation Police Department: December 2008

24

25

PLAINTIFF'S ANSWERS AND  
RESPONSES TO DEFENDANT'S FIRST  
INTERROGATORIES AND REQUESTS  
FOR PRODUCTION  
PAGE 3 OF 19

SCOTT, KINNEY & FJELSTAD  
600 UNIVERSITY, SUITE 1928  
SEATTLE, WA 98101-4178  
TEL: (206) 622-2200  
FAX: (206) 622-9671

1 Seattle Police Department: December 2008

2

3

4 **Interrogatory No. 7:**

5

State the total amount of lost wages and other economic damages, including future wage loss if any, you claim to have suffered due to the actions of Defendant City of Brier.

6

7

**Answer:**

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9

Plaintiff is collecting her tax returns and will supplement this Answer.

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13 **Interrogatory No. 8:**

14

State in detail the method by which your economic losses, lost wages and other economic damages, identified in response to Interrogatory No. 7 above have been computed, including but not limited to the components of each category of economic damages.

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16

**Answer:**

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18

Plaintiff is collecting her tax returns and will supplement this Answer.

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**Interrogatory No. 9:**

22

Have you ever been charged with or convicted of any criminal offense or infraction? If so, state for each:

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- 1 a. Name of crime or infraction and the date it allegedly occurred.
- 2 b. Disposition of each charge.
- 3 c. Date and place of conviction, if any, and sentence imposed.

3 **Answer:**

4  
5 I was charged with a DUI approximately July 2001. I did a deferred  
6 prosecution; I completed a year-long course about drunk driving, attended AA, paid  
7 my court costs and was on a probationary license for three years. After three years  
8 the DUI charge went away.

9 I also got an infraction for expired tabs when I was 17; in 1993-1994 I got a ticket for  
10 rolling through a stop sign and one other ticket for a minor traffic violation, which I  
11 can't remember.

12  
13 **Interrogatory No. 10:**

14 Identify all persons whom you believe have knowledge of facts supporting  
15 your contention that Defendant City of Brier discriminated against you on  
16 the basis of your sex.

16 **Answer:**

- 17 Lori Batiot
- 18 Patrick Murphy
- 19 Michael Javorsky
- 20 Donald Lane
- 21 Denise Lane
- 22 Kelly Javorsky
- 23 Robert Colinas
- 24 Mickey Halverson
- Kathy Hazel
- Kevin Kilpatrick
- David Ekmo
- Michael Wheeler
- Seth Kinney