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-Editors

SUPERIOR COURT OF WASHINGTON
IN AND FOR KING COUNTY

MARTHA SCUDDER, a single individual,
Plaintiff,

NO.: 04-2-04721-8SEA

vs.

**DECLARATION OF LARRY GALLAWA
IN OPPOSITION TO PLAINTIFF'S
MOTION TO CONTINUE THE TRIAL
AND GALLAWA'S MOTION FOR
SUMMARY JUDGMENT**

LARRY GALLOWA, a married individual
Defendant

I, Larry Gallawa, make the following Declaration under Penalty of Perjury under the
Laws of the State of Washington:

- 1. I am over the age of 18, and am competent to testify;
- 2. I am the defendant in the above-entitled action;
- 3. I am familiar with the facts and issues surrounding the above-entitled action and I
make this Declaration based on personal knowledge;
- 4. I oppose Martha Scudder's motion to continue the trial and my motion for summary
judgment for the following reasons:

a. This case was filed by plaintiff on March 1, 2004. Plaintiff has had well over one year
in which to determine that she was not satisfied with her former attorney. Instead, plaintiff
chooses at this late date, barely two months before trial and after my motion for summary
judgment is filed and a date set, to seek a new attorney and claim prejudice if the trial and the
summary judgment motion go forward as currently scheduled. Whether this case involves many
documents and whether plaintiff failed to retain a damages expert is immaterial at this point.

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1 This case involves plaintiff's own aviary and plaintiff is well-aware of her own business
2 practices, profits and alleged losses.

3 b. I should not be prejudiced by plaintiff's late choice of a different attorney by having a
4 motion and trial date stricken and re-set. I have been diagnosed with multiple myeloma, a
5 terminal, rare form of blood cancer for which there is no cure. I have been undergoing various
6 forms of cancer treatment and have done my best to schedule treatments around depositions
7 schedules and the currently set trial. In reality, given the current state of my health, I may not
8 survive another six months. If this trial is continued for six months, it is I who will suffer
9 prejudice in that I may not survive to be present at trial, present my side of the facts and show the
10 jury the abuses that I believe continue to this day at plaintiff's aviary.

11 c. Most importantly, the defense has gathered countless records and necropsies, as shown
12 in the attachments to my motion for summary judgment, which reveal birds dying of disease,
13 starvation and dehydration. Should the motion or the trial be continued, plaintiff's aviary will be
14 permitted to continue its current practices unchecked, and with no review of the documents
15 which may well prevent further and future abuses.

16 d. As plaintiff's own deposition and plaintiff's new attorney's declaration states, most of
17 plaintiff's birds are endangered. If this case is set aside at this late date, countless endangered
18 birds will be subjected to the disease starvation and dehydration that the necropsies, Drs. Metz
19 and Bennett and witnesses describe in their declarations and depositions. The public, not to
20 mention the birds' own welfare are affected by this aviary. The public as an interest in this case
21 moving forward and being resolved as quickly as possible.

2 Dated this ___ day of _____, 2005, at _____, Washington.

23
24 _____
25 Larry Gallawa
26

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1 [The Editors have heard countless allegations about purported selfish motives driving
2 Mr. Gallawa in his desire to see conditions change at Scudder Parrot Depot and at a few
3 other abusive farms in the area, and to assure that breeder birds will receive a modicum of
4 basic care at all aviaries. *None of these allegations is grounded in fact.* Even as Mr.
5 Gallawa's painful and degenerative terminal cancer progresses and his finances grow worse,
6 he continues his campaign on behalf of the breeder birds of Pierce County and elsewhere.
7 He has single-handedly fought an oblivious and impervious bureaucracy in Pierce County—a
8 monumental struggle every step of the way. Where community and avicultural "leaders"
9 have shirked and even betrayed their responsibilities, Mr. Gallawa has endured insult and
10 threats of physical harm by taking a moral stance and fighting for it. If you doubt that this
11 man is fighting solely for the welfare of the helpless, consider that this is how he has chosen
12 to spend the time he has remaining.

13 There can be little doubt that Mr Gallawa is short on tact and long on words. He
14 would be the first to admit that his verbal fireworks rub everyone the wrong way. He is the
15 paradigm of the Gadfly. In reading Mr. Gallawa's correspondence, you may find his
16 proofreading wanting or emotions overflowing. But he speaks from his heart because he
17 loves these creatures. If you want to contrast that kind of "love" with some of the breeders
18 who oppose an ordinance but say they too "love their birds," read (for example) the
19 Declaration and accompanying items re. Ms. Julie Corwin and decide for yourself who **truly**
20 loves these creatures.

21 Mr. Gallawa does not ask you to like him...but his results demand that you respect
22 him: he has stood up against all the wagons circling Scudder's Parrot Depot and dared to
23 challenge them almost single-handedly. By your very act of reading this, you bear witness
24 to Mr. Gallawa's success in bringing the suffering of these creatures into public view. Now, it
25 is time to give him a rest and let others to carry the torch. We salute you, Mr. Larry
26 Gallawa!

—Editors.]