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KING COUNTY  
HON. TIMOTHY A. BOWEN, CLERK

Noted for Hearing: January 24, 2017  
CASE NUMBER: 16-2-10995-1 SEA  
Without Oral Argument

IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

MIDTOWN LIMITED PARTNERSHIP, a  
Washington Limited Partnership,

Plaintiff,

v.

OMARI TAHIR-GARRETT, a.k.a. OMARI  
TAHIR, a.k.a. JAMES C. GARRETT, and  
ALL OTHER OCCUPANTS,

Defendants.

NO. 16-2-10995-1

DECLARATION OF HUGH F.  
BANGASSER RE: MIDTOWN'S  
MOTION FOR TRIAL SETTING

(Previously filed as Declaration of  
Hugh F. Bangasser re: Midtown's Motion  
for Revision of Commissioner's Order)

HON. HOLLIS HILL  
Noted for Hearing: December 30, 2016, at 11:00 a.m.  
With Oral Argument

IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

MIDTOWN LIMITED PARTNERSHIP, a  
Washington Limited Partnership,

Plaintiff,

v.

OMARI TAHIR-GARRETT, a.k.a. OMARI  
TAHIR, a.k.a. JAMES C. GARRETT, and  
ALL OTHER OCCUPANTS,

Defendants.

NO. 16-2-10995-1

DECLARATION OF HUGH F.  
BANGASSER RE: MIDTOWN'S  
MOTION FOR REVISION OF  
COMMISSIONER'S RULING

I declare, under penalty of perjury and in accordance with the laws of the State of Washington, that:

1. I am Hugh F. Bangasser, Manager of Fathom Properties, LLC, which in turn is the General Partner of MidTown Limited Partnership ("MidTown"). MidTown owns the MidTown Center situated at 23rd Avenue East and East Union Street in Seattle. Part of the block that constitutes the Center is a house and yard at 2314 East Spring Street ("the Premises"). I have personal knowledge of the facts set forth below and am competent to make this declaration.

2. MidTown commenced this action to have Mr. Tahir-Garrett removed from the Premises. *First*, he has created a nuisance and caused waste by storing numerous old and inoperable vehicles in the yard, and filling the yard with trash, junk, wood piles, abandoned appliances and similar detritus. *See, e.g., Exh. B.* On December 19, 2016, a

1 fire broke out in one of the vehicles and quickly spread to two others. The fire was  
2 caused by improper use of a hot plate in a car where the fire originated. Luckily, no one  
3 was injured. *Exhs. E and F.*

4 3. **Second**, in March 2016, approximately 20 former residents of the Dearborn  
5 temporary encampment moved to the Premises, set up tents or moved into vehicles  
6 situated on the Premises, and began their occupancy. They did so without the  
7 permission of the City of Seattle (*see Exh. C*) or MidTown. Mr. Tahir-Garrett facilitated  
8 that process. He claimed, in his deposition, that occupancy of the Premises (owned by  
9 MidTown) by these individuals was an “effective utilization” of land, and that he had  
10 received permission to facilitate that occupancy from a Native American. *Exh. D.* Some  
11 of the original occupants remain at the Premises. Without permission or legal authority,  
12 other individuals have moved onto the Premises. The City views this occupancy as  
13 illegal. *Exh. C.* This illegal use of the Premises is another basis for MidTown’s unlawful  
14 detainer action.

15 4. Mr. Tahir-Garrett delayed this unlawful detainer case by filing a meritless  
16 notice of removal prior to the first show cause hearing. Judge Coughenour remanded  
17 the matter, finding no basis for federal jurisdiction over the unlawful detainer action.  
18 Mr. Tahir-Garrett twice sought reconsideration, and was twice rebuffed by the U.S.  
19 District Court.

20 5. Once this matter was back in the hands of the state court, MidTown again  
21 noticed a show cause hearing. One day before the hearing, Mr. Tahir-Garrett filed a  
22 second notice of removal. Three weeks later, the U.S. District Court again remanded the  
23 matter, held that Mr. Tahir-Garrett’s notice of removal was “frivolous,” and concluded  
24 that any further attempt by Mr. Tahir-Garrett to remove the action will be null. *Exh. A.*





# Exhibit A

THE HONORABLE JOHN C. COUGHENOUR

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MIDTOWN LIMITED PARTNERSHIP,  
a Washington Limited Partnership,

Plaintiff,

v.

OMARI TAHIR-GARRETT, a.k.a.  
OMARI TAHIR, a.k.a. JAMES C.  
GARRETT, and ALL OTHER  
OCCUPANTS,

Defendants.

CASE NO. C16-1830-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Plaintiff Midtown Limited Partnership's motion to remand (Dkt. No. 7). There is no opposition to the motion. "Except for motions for summary judgment, if a party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit." W.D. Wash. Local Civ. R. 7(b)(2).

The present unlawful detainer action involves the same parties, facts, and issues as another case before this court, *Tahir v. Midtown Limited Partnership*, C15-2017-JCC. In that case, the Court granted Midtown's motion to remand the unlawful detainer action, reasoning that "[t]he Court does not have subject matter jurisdiction over the unlawful detainer action, as there is neither diversity nor federal question jurisdiction." *Tahir*, C15-2017-JCC, Dkt. No. 43 at 3.

1 Nothing has changed in the present action. Mr. Tahir's attempt to remove this action to federal  
2 court is frivolous.

3 Accordingly, the Court GRANTS the motion to remand (Dkt. No. 7). The Clerk is  
4 DIRECTED to remand this case to the King County Superior Court. Any further attempt by Mr.  
5 Tahir to remove this action will constitute a legal nullity and will not divest jurisdiction from the  
6 state superior court.

7 DATED this 22nd day of December 2016.

8 William M. McCool  
9 Clerk of Court

10 s/Paula McNabb  
11 Deputy Clerk

## **Exhibit B**



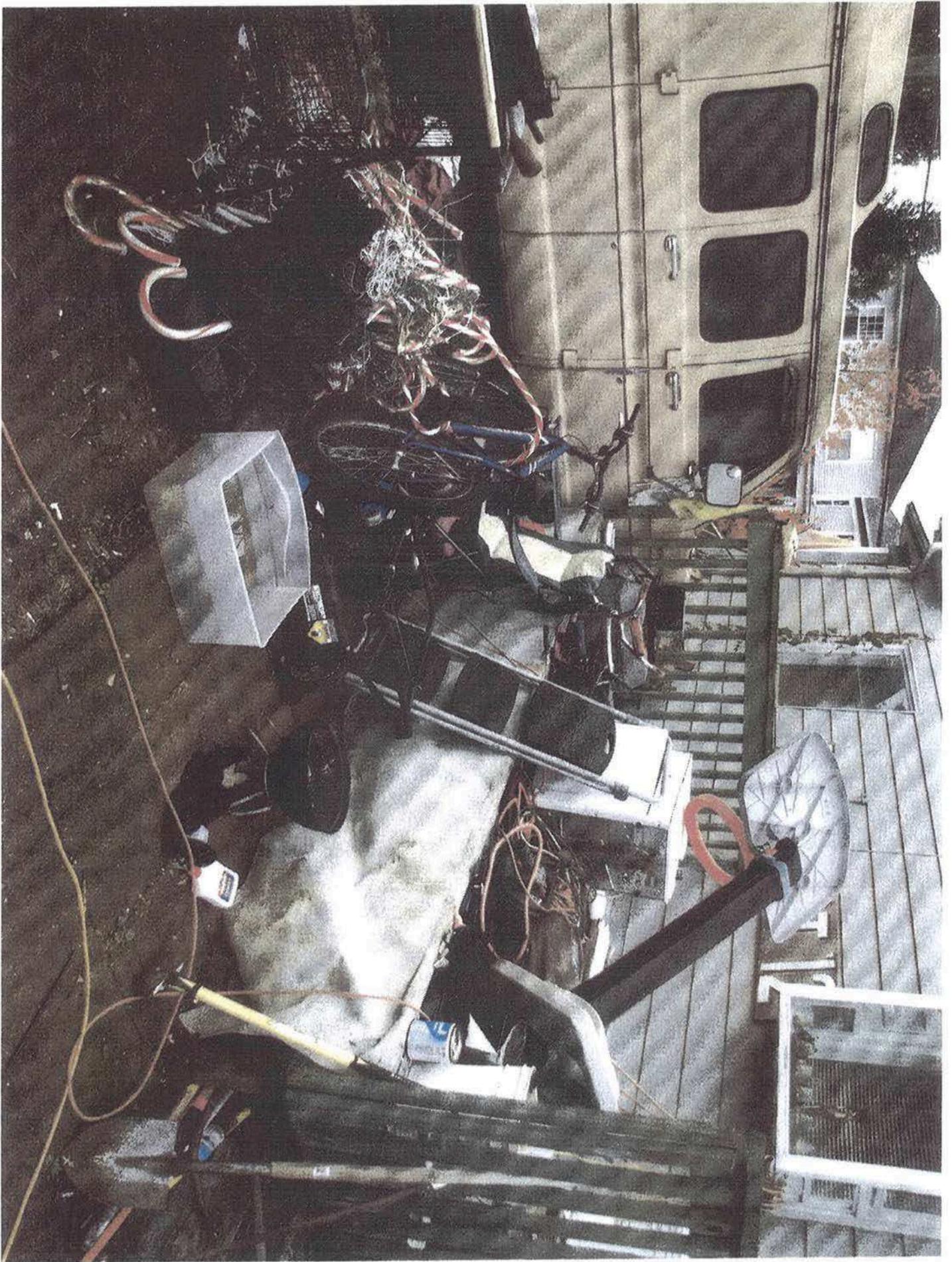




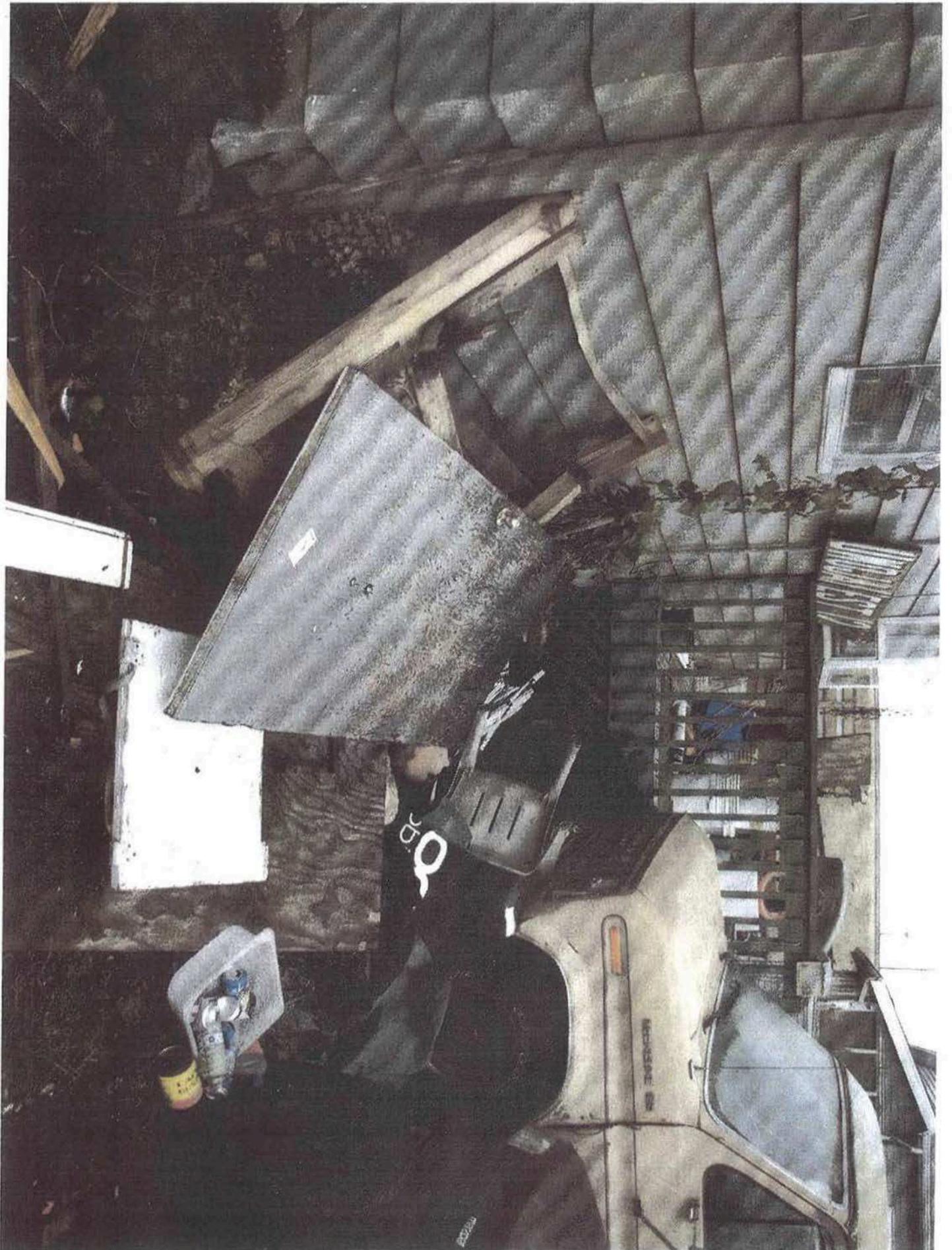




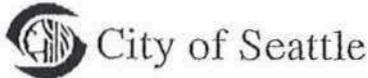








# Exhibit C



City of Seattle  
Department of Construction and Inspections  
Code Compliance Division

LAND USE NOTICE OF VIOLATION  
CASE NO. 1037046

March 29, 2016

Property Owner: MIDTOWN LIMITED PARTNERSHIP  
Property known as 2314 EAST SPRING STREET  
APN: 7217400809  
Lots 13 & 14, Block 6, J.H. Rengstorff's Addition to the City of Seattle, as  
recorded in Volume 2 of Plats, Page 101, Records of King County,  
Washington.

Midtown Limited Partnership  
Reg Agent Margaret E Delaney  
520 N 100<sup>th</sup> St  
Seattle WA 98133-9302

Midtown Limited Partnership  
Reg Agent Margaret E Delaney  
PO Box 75234  
Seattle WA 98175-0234

Omari Tahir-Garrett  
2314 E Spring St  
Seattle WA 98122

We received a complaint about this property. Housing and Zoning Inspector  
STEPHEN RUDOLPH, 206-386-9735 or [stephen.rudolph@seattle.gov](mailto:stephen.rudolph@seattle.gov), investigated and found  
a violation or violations of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code  
23.40.002, 23.42.010, 23.42.056, 23.47A.004, 23.84A.038, and 23.90.002.

THE VIOLATION(S) MUST BE CORRECTED BY APRIL 29, 2016.

The specific violation(s) and correction(s) are as follows:

Discontinue the maintenance of a transitional encampment at the site or obtain a permit  
authorizing the use. A transitional encampment is not a legally established use of the property.

For information about the application process for a Master Use Permit, including requirements  
for authorized applicants to submit an application, code requirements, permit fees, and  
inspection requirements including final approval inspection, contact the Applicant Services  
Center of the Department of Construction and Inspections, 700 5<sup>th</sup> Ave., Suite 2000 (20<sup>th</sup> Floor  
of Seattle Municipal Tower), at (206) 684-8850.

### PENALTIES/FINES

You may be subject to a civil penalty (fine) for a continued violation.

- For the first ten days of noncompliance, the penalty is up to \$150 per day beginning the day after the deadline above.
- The penalty increases to up to \$500 per day for each violation after the first ten days.
- Penalties continue to add up until the date the corrections are completed and the Housing and Zoning Inspector has inspected and confirmed that the property is in compliance.
- Certain violations are subject to additional penalties.

If you do not correct the violations by the deadline listed above, the City may file a lawsuit against you to collect the penalty. If this case goes to court, the City would have to prove that the code violation exists/existed in order to collect any penalties.

### RECORDING

We may file a copy of this Notice of Violation with the King County Recorder's Office.

### INSPECTION CHARGES

In addition to these penalties, an inspection charge of \$190 is charged for each inspection beyond the first two inspections in this case.

- The third inspection and each subsequent inspection will be charged.
- This charge is in addition to any per-day or other penalty or fine and you will be billed for this charge.

### REQUEST FOR EXTENSION

You can ask the inspector for more time to complete correction of the violations. The request must be in writing and must explain why you need more time. Extensions will be granted only if substantial progress toward compliance has already been made.

### DIRECTOR'S REVIEW

If you disagree with this Notice of Violation, you may request a review of this Notice by a Department Review Officer. The Review Officer will review the facts of the case and determine whether the Notice of Violation was properly issued. The Review Officer can extend the compliance date for a short period of time even if the violation is upheld. But, the Review Officer cannot allow a violation to continue or grant a variance.

The Review may be requested by writing to the Director of Code Compliance, in care of Inspector STEPHEN RUDOLPH, Seattle Department of Construction and Inspections, 700 5th Avenue, Suite 1800, PO Box 34019, Seattle, WA, 98124-4019.

If you request a review by the Director, the request

- must be in writing,
- must be received by the Director no later than ten (10) days following service of this Notice, and
- must contain the signature, mailing address and telephone number of the person requesting the review.

CASE NO. 1037046  
Page 3 of 3

The request should also include a brief statement including

- specific objections to the Notice of Violation
- how the requestor is significantly affected by, or interested in, the Review by the Director.

If more than one person is cited in the Notice, the request for Review by the Director should specify the person to be contacted about the Review.

OBTAINING PERMITS

If you are constructing, repairing, adding to, or demolishing a building, or if you are changing or establishing a use, you must obtain the proper permits. You may need more than one permit. Information on permits may be obtained at the Seattle DCI Applicant Services Center, 700 5th Avenue, Suite 2000, 20th Floor, Seattle Municipal Tower, or by calling 206-684-8850.

**PLEASE BRING THIS DOCUMENT WITH YOU WHEN APPLYING FOR ANY PERMITS.**

Even if a permit allows a longer time frame for completion of work, the compliance date in this Notice of Violation takes precedence over the completion dates specified in any permit.

\*\*\*

If needed, Inspector STEPHEN RUDOLPH will meet with you or someone representing you on the site to discuss how you will bring the property into compliance with the Land Use Code. Once you have corrected the violation, the inspector must inspect to verify compliance. If you need more information or would like a meeting, please contact the inspector. Thank you for your attention to this matter.

STEPHEN RUDOLPH  
Housing and Zoning Inspector  
206-386-9735  
stephen.rudolph@seattle.gov

City of Seattle Department of Construction and Inspections  
700 5th Avenue, Suite 1800  
PO Box 34019  
Seattle WA 98124-4019  
206-615-0808 / 206-233-7156 (TTY)  
www.seattle.gov/sdci

SR/dm

## **Exhibit D**

1 UNITED STATES DISTRICT COURT WESTERN DISTRICT SEATTLE

2

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3 OMARI TAHIR, aka JAMES C. GARRETT, )  
 Plaintiff, )  
 4 vs. ) No. 2:15-cv-02017-JCC  
 MARGARET DELANEY, INDIVIDUALLY and )  
 5 in her official capacity as )  
 Managring Director of MidTown )  
 6 Center, LLC; and MIDTOWN CENTER, )  
 LL, )  
 7 Defendants. )

8

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9 MIDTOWN LIMITED PARTNERSHIP, a )  
 Washington limited partnership, )  
 10 Counterclaim Plaintiff, )  
 vs. )  
 11 OMARI TAHIR, aka JAMES C. GARRETT, )  
 Counterclaim Defendant. )

12

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13 MIDTOWN LIMITED PARTNERSHIP, a )  
 Washington limited partnership, )  
 14 Third-Party Plaintiff, )  
 vs. )  
 15 THOMAS F. BANGASSER, individually, )  
 and the marital community of Thomas )  
 16 F. Bangasser and Melissa Bangasser, )  
 17 Third-Party Defendant. )

18

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19 DEPOSITION UPON ORAL EXAMINATION OF  
 20 OMARI TAHIR

21

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22 11:00 a.m., June 24, 2016  
 23 999 Third Avenue, Suite 3650  
 24 Seattle, Washington  
 25 REPORTED BY: Pat Lessard, CCR #2104

1 starts picking up stuff to build a net.

2 Q. And further to that, you decided to invite  
3 in some homeless folks from the Dearborn camp to live  
4 on the lawn at the Spring Street house.

5 Did you do that because you wanted to help  
6 the homelessness problem?

7 A. Well, I'll tell you how that came about.  
8 When we set up our Africatown project in the Horace  
9 Mann school, there was a Vietnamese youngster that was  
10 working with us with the food and stuff, and he also  
11 was working with this Dearborn encampment.

12 And when the city unlawfully swept the  
13 Dearborn encampment with the police, as you know in  
14 real estate, once you establish tenancy, and they had  
15 little houses, that the only way that you could be  
16 removed is they have to get an unlawful detainer. And  
17 then only the sheriff can evict with the backup of the  
18 police department.

19 So when they did the unlawful sweep of the  
20 Dearborn encampment down by Goodwill, this Vietnamese  
21 gentleman called me and said was there any space  
22 available?

23 Q. Space available at the Spring Street house?

24 A. Yeah.

25 Q. Yeah.

1           A. And so there was a Native American woman  
2 that gives us permission to, you know, be on their  
3 land and this or that.

4           Q. Be on tribal land, you mean?

5           A. Well, the whole area is their land. How can  
6 you get on a boat and come from Europe and then tell  
7 somebody else that you're just over here in the  
8 basement? That seems like what they're trying to do  
9 with the African-American community. You go to this  
10 reservation, but now we want the reservation and so  
11 you have to move somewhere else.

12          Q. I have to stop you. You were telling me  
13 about the Native American woman who called you.

14          A. Yeah, so I asked her was it okay? And she  
15 said, "Yes."

16                 So when the media asked me, I said well,  
17 it's effective utilization of space.

18                 So then when it turned out to be a conflict  
19 with the city because they said it was an unlawful  
20 encampment, well, to have a lawful encampment  
21 recognized by the city you have to be sponsored by a  
22 religious or a church organization. Which is, you  
23 know, 100 percent unconstitutional, because you can't  
24 force, particularly people that are atheists or  
25 whatever to, interact with any kind of religious

1 institution.

2 So whatever the conflict is between the  
3 encampment and the city, that's between them. Because  
4 I don't have no police authority to bring people onto  
5 the site or remove people from the site.

6 Q. But after the Native American woman called  
7 you, you approved the moving in of some of the  
8 homeless people to the Spring Street property?

9 A. Well, I told them that the Native American  
10 lady said that it's all right with her.

11 Q. And it was all right with you?

12 A. Well, I'm, you know, I'm trying to see that  
13 there's an effective utilization of space.

14 Q. Right. And --

15 A. And the space was just there and we had the  
16 Peace Garden on the bank and then -- so they've been  
17 there.

18 So now they're saying that I -- well, how I  
19 get in the middle of this? I said "I'm not in the  
20 middle of this. This is between the city and the  
21 homeless encampment issue or problem."

22 That the city has a ten-year program to get  
23 rid of homeless there and the eleventh year  
24 homelessness is off the hook.

25 Q. Did you object to bringing the homeless into

1           the Spring Street property?

2           A.    I didn't have any authority to object.

3           Q.    Were you okay with it personally?

4           A.    Well, it's like this. I told them -- when  
5           the media interviewed me, I said it was an effective  
6           utilization of space.

7           Q.    Your space, the Spring Street space?

8           A.    Well, space period.

9                    Because when I'm in Africa in a village, you  
10           go talk to the chief and the chief says, "Oh, you want  
11           to do something? Go do it over there. How much land  
12           do you need?"

13                   But for some reason in this country it's the  
14           land stays vacant and people claim they own this, that  
15           and the other and in the meantime the society is going  
16           to hell.

17           Q.    But the bottom line, Omari, is that you felt  
18           it was effective utilization of the Spring Street  
19           space to move the homeless folks in?

20           A.    Well, the homeless people think it's a very  
21           effective utilization of space.

22           Q.    And you agree with them?

23           A.    One hundred percent.

24           Q.    That's what I thought. Okay.

25                    What do you know about Margaret Delaney's

## **Exhibit E**

## Public Disclosure Report

<u>Incident Number</u> F160139464	<u>Incident Date</u> 12/19/2016 12:28:09	<u>Exposure</u> 000
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<u>Address</u> 2321 SPRING Seattle ( ) -	<u>Location Type</u> 1 Street address <u>Cross Street</u>
<u>Out of RFD Jurisdiction?</u> No	<u>Out of Area Address</u>
<u>Geo Code</u>	<u>Run Card</u>
	<u>District Response</u> No <u>First in Area</u> Yes

<u>Incident Type</u> 131 Passenger vehicle fire	<u>Actions Taken</u>	<u>Resources</u>
<u>Incident Begin Time</u> 12/19/2016 12:28:09	10 Fire Control or Extinguishment, Other	<u>Apparatus</u> 5 0 0
<u>Controlled</u>	21 Search	<u>Personnel</u> 21 0 0
<u>Incident End Time</u> 12/19/2016 14:25:24	82 Notify other agencies.	

<u>Property Details</u> Non Residential Residential Units 4 Buildings Involved 0 Acres Burned < One Acres Burned 0	<u>On-Site Materials or Products</u>  <u>Storage Use</u> N None N None N None	<u>Property Use</u> 419 1 or 2 family dwelling <u>Mixed Use Property</u>  <u>Hazmat Released</u>
<u>Losses</u> Property 0      Contents 0		

<u>Fire Origin</u> 80 Vehicle area, other	<u>Cause of Ignition</u> 2 Unintentional
<u>Heat Source</u> 12 Radiated, conducted heat from operating equip.	<u>Factors Contributing to Ignition</u> 12 Heat source too close to combustibles
<u>Item First Ignited</u> 30 Soft goods, wearing apparel, other	
<u>Material First Ignited</u> 71 Fabric, fiber, cotton, blends, rayon, wool	

<u>Equipment Involved</u> Brand Model Serial No Year	<u>Mobile Property Involved</u> <u>Mobile Property Type</u> 11 Passenger car. <u>Make</u> MZ Mazda <u>Model</u> <u>License Plate #</u>	<u>Year</u> 1989 <u>VIN #</u> JM3LV5220K0117520 <u>State</u> WA Washington
<u>Equipment Power Source</u>	<u>Equipment Portable</u>	

Fire Suppression Factors

<u>Officer in Charge</u> Chris Greene	<u>Rank/Position</u> Captain	<u>Reporting Officer</u> Chris Greene	<u>Rank/Position</u> Captain
--	---------------------------------	--	---------------------------------

Fire in Auto caused by unattended "hot plate-cooking equipment" left on and unattended.

Fire began in 1 auto parked adjacent to home and quickly spread to second auto. Multiple persons said to be living in autos. Persons cooking and heating in autos, power supplied to vehicle from neighbors home. Power cords appear to be non-compliant- "small diameter, not rated for outdoors and possibly over drawing of power through cords". Seattle City Light was called to perform a safety check on overhead power line as well as safety check use of extension cords to power heaters and cooking devices inside autos.

E-25 laid a pre-connect between home and autos in a effort to prevent exposure fire and to extinguish auto fire. Additional companies were requested to assist with extinguishment, ensure no extension to exposure home and to assist occupants with housing needs.

Red cross was requested as was SCL. Both arrived on scene to assist prior to E-25 departure

No injuries reported  
Damage to Autos estimated at less than 5K  
2 persons known to be displaced from autos - Red Cross assisting

## **Exhibit F**

*High, Seattle!*  
CLICK HERE FOR ALL STORE LOCATIONS

*Best Selection*  *Lowest Prices*

*Uncle Ike's*  
SPECIALIZING IN TOP SHELF  
BUD, EDIBLES & OILS

The product has a secondary effect and may be habit forming. It may cause drowsiness, dizziness, and/or impairment of judgment. Do not operate a vehicle or machinery under the influence of the drug. There may be health and safety concerns with consumption of the product. For use by adults over 21 years of age. Keep out of the reach of children. Please consume in a safe and responsible way. Special Deals & Pricing with regular use.

**BIG MARIO'S DELIVERY HOTLINE: 206.922.3875**  
1009 E PIKE ST. • OPEN TIL 2AM • \$1 HAMM'S 3-4PM

1009 E PIKE ST • 815 5TH AVENUE

# No injuries reported as van, cars burn in 24/Spring fire

Posted on [Monday, December 19, 2016 - 1:07 pm](#) by [jseattle](#)



— Thanks to a reader for this picture from the scene

Three vehicles engulfed in flame in front of a residence at 24th and Spring drew a large Seattle Fire response Monday just after noon.

Seattle Fire was called to the area just before 12:30 PM to a report of vehicles on fire. Arriving units battled the blaze which burned hot enough to crack windows on the home but did not spread to the structure.

It took crews around 20 minutes to snuff the flames. No injuries were reported and searches of the vehicles including a van that neighbors said was being used to camp in fortunately turned up no victims.

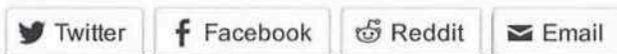
The property where the fire occurred has been part of a [federal civil rights lawsuit](#) brought by longtime neighborhood activist **Omari Tahir-Garrett** against a large roster including the the family partnership behind the **Midtown Center property**, **Kshama Sawant**, and **Seattle City Light** after utilities were cut off. The property is home to his **UMOJA P.E.A.C.E Center**.

Sunday night, CHS reported on a community meeting this week to discuss [plans for a seven-story development](#) to fill the Midtown block including the 24th and Spring property. In September, CHS found campers from 24th and Spring [lined up to sign agreements](#) to move off the land and never return. Some of the homeless residents told CHS they had been paid \$400 to leave the camp and sign the agreement.

Seattle Fire did not immediately dispatch the Seattle Fire Marshal to investigate Monday's blaze. A **Seattle City Light** crew was called to the scene to secure the site following the fire. **Red Cross** was called to help provide assistance for an adult male victim of the fire.

**UPDATE:** A Seattle Fire spokesperson reports the cause is believed to have been "misuse of electrical equipment (hotplate) inside of a car."

#### SHARE:



#### RELATED



Investigators looking at another suspicious car fire in Central District -- [UPDATE: hate crime?](#)  
In "Crime"



The *\*other\** lawsuit at 23rd and Union: Activist sues property owners, City Hall for 'strong racial hostility'  
In "News, etc."



Fire scorches clutter-filled Summit Ave apartment  
In "News, etc."

This entry was posted in [News, etc.](#) and tagged [24th and spring](#), [central district](#), [midtown center](#) by [jseattle](#). Bookmark the [permalink](#) [<http://www.capitolhillseattle.com/2016/12/no-injuries-reported-as-van->

## **Exhibit G**

 <http://www.seattlepi.com/news/article/Garrett-complains-of-illness-1090884.php>

## Garrett complains of illness

Judge orders him to appear for trial or present doctor's explanation today

By TRACY JOHNSON, SEATTLE POST-INTELLIGENCER REPORTER

Published 10:00 pm, Monday, July 8, 2002

James C. Garrett must either come to court ready for trial today or have some kind of doctor's note explaining a bizarre illness that he said struck him sudden yesterday morning -- right after a judge rejected his insistent pleas to delay the case.

Garrett, a 56-year-old Seattle man who calls himself Omari Tahir, slumped in his chair closed his eyes and became unresponsive just as his trial was to begin for an alleged assault on former Seattle Mayor Paul Schell.

Before lapsing into silence, Garrett complained of an "extreme headache" and said he had a "delayed stress syndrome that is triggered by racism."

"It causes my back to hurt, it causes my hands to tremble, and it causes me to have to go to a quiet spot," the African American community activist told the judge. "I'm in no condition to participate in any kind of proceeding."

Judge Douglas McBroom noted the illness "seemed to have a very sudden and strang onset" and ordered Garrett to get a medical exam.

Garrett's paralegal, Kevin Johnson, said he had never seen the man so subdued and didn't know whether it was a stress disorder or an act.

McBroom said he wanted specific information about Garrett's condition and whether it meant the trial would have to be delayed. He told public defender Marcus Naylor to bring a written medical prognosis this morning. (Read the **latest developments**.)

"We are going to proceed to trial unless there's good reason not to," McBroom said.

Garrett was taken by ambulance to Harborview Medical Center, then was released. Johnson said the man was still somewhat catatonic and resting at home yesterday afternoon, despite the judge's order that he return to court.

A note from a Harborview physician said only that Garrett was to return to see a psychiatrist tomorrow -- or head back to the emergency room if he's "feeling overwhelmed, suicidal or wanting to hurt someone."

Garrett is accused of hitting Schell in the face with a megaphone at a Central District community rally last July. Though several witnesses say they saw him do it, he has consistently maintained it wasn't him.

His first trial ended in May, when jurors were split 10-2 in favor of convicting him. He acted as his own lawyer, with Johnson and public defender **Eric Weston** helping him.

Yesterday, Naylor was filling in for Weston and said he didn't know anything about Garrett or his condition.

Deputy prosecutor **Dan Soukup** said simply that he wanted to begin the trial.

Garrett's sudden illness happened just before 60 potential jurors were to be brought to the King County Superior courtroom.

He slouched awkwardly in his chair for roughly 20 minutes, one hand over his face, as McBroom and Soukup continued discussing pretrial matters.

Johnson said Garrett's silent pose was apparently a retreat to his "quiet spot" -- a reaction to what he perceives as an attack.

McBroom asked Garrett numerous questions but got no response.

Johnson tried to rouse him but had no luck -- and no answers.

"Usually when he's agitated, there's no stopping him," he told the judge.

Two people finally helped Garrett out of the courtroom and set him on a hallway bench where he asked for an ambulance.

Just minutes earlier, Garrett had been agitated. He angrily told the judge he didn't know his trial was supposed to begin, and that he wasn't ready.

He kept interrupting, complaining that his rights were being violated, and called the court system "utterly ridiculous."

Garrett could face three to nine months behind bars if convicted of second-degree assault, with an additional year if the jury finds that a deadly weapon was used.

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**H E A R S T**

## **Exhibit H**

## POLITICS NORTHWEST

The Seattle Times political team explores national, state and local politics.

January 8, 2013 at 3:26 PM

### Father and son activists also planning to join mayor's race

Posted by Emily Heffter

Add to the list of people running for Seattle mayor the name Omari Tahir-Garrett, who served 21 months in prison for whacking former Seattle Mayor Paul Schell in the face with a megaphone in 2001. A jury convicted him of assault with a deadly weapon, though Tahir-Garrett maintains it was his fist, not his megaphone, that hit the former mayor in the face.

Tahir-Garrett, a longtime activist, was a candidate for mayor during the 2001 incident. In 2009, his son, Wyking Garrett, ran for mayor and lost in the primary.

Wyking Garrett said he's still considering a run this year, as well. Tahir-Garrett said he expects that both father and son will join the race.

"We were the first father-son team to run against (former Mayor Greg) Nickels," Tahir-Garrett said. "You gotta keep the dog and pony show going."

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