

DECLARATION OF

[REDACTED]

[REDACTED] declares:

1. I am [REDACTED] age 31, and I reside with [REDACTED] my wife, and our children, [REDACTED] (age 2) and [REDACTED] (age 3), at [REDACTED] Washington.
2. On April 8, 2006 at about 12 p.m., I drove [REDACTED] and our two sons in our 2005 Chevrolet Uplander to the River Park Square (RPS) mall where we intended to have lunch and visit the Children's Museum. We parked on the fifth floor of the RPS parking garage. After parking, my wife and I prepared to unload our children.
3. As I opened the driver's door and got out, I hit the switch for the Uplander's power sliding doors, looking behind us to make sure it was safe to remove our sons from the vehicle. I noticed a dark-colored Subaru entering a parking space to the left of us. When the driver, who I later learned was Ms. Savage, saw me getting out, she turned the Subaru into the second space to our left, leaving a vacant space for us to use to unload.
4. As the Subaru approached the parking space, Ms. Savage was traveling pretty slow. As she turned into the parking space, she slowed further and inched forward as if preparing to stop as she reached the curb. When the Subaru reached the curb, however, its front wheels went up onto the horizontal curb piece of the retaining wall rather than stopping at it.
5. My thought was that Ms. Savage was going to have minor fender damage when the right side of her Subaru contacted the vertical portion of the retaining wall. I did not believe the Subaru had enough speed or momentum to cause significant damage either to the vehicle or the retaining wall. When the Subaru bumped into the vertical portion of the retaining wall, however, it gave way

breaking and bending outward, pulling the Subaru with it out of the garage. As the Subaru was pulled out of the garage and tipped over the broken edge, its rear wheels were slowly lifted off the ground and the right rear wheel was slowly turning. As I watched, I saw and heard Ms. Savage screaming and observed there were no passengers in her car. The Subaru continued to rotate forward out of the garage until it fell over the edge through the opening created by the collapse of the retaining wall; as it did so, there was a loud scraping and screeching as the underside of the car scraped over the broken edge of the retaining wall. At no time, however, did I hear any other vehicle noises such as skidding, screeching tires or significant engine noise such as revving prior to the Subaru contacting the retaining wall.

6. After Ms. Savage's car fell out of the garage, I went up to the edge of it and saw that it had landed upside-down on its roof on the entrance/exit ramp to the parking garage. I used my cellular phone to call 911. I remember thinking that maybe I should have grabbed the back of the car in an effort to keep it from falling.

7. I was shocked that the retaining wall collapsed as Ms. Savage's vehicle did not have significant speed or momentum as it went up onto the horizontal curb piece. At my wife's request, after I called for help, I moved our vehicle to a parking space away from the retaining wall.

8. Once the police arrived, I spoke with their investigator. After spending some time at the mall, we left the garage. As we did so, my son [REDACTED] was crying saying he did not want to fall off of the garage also.

9. I did not know Ms. Savage and do not know any of her family or friends.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DECLARATION OF [REDACTED] -2

DECLARATION OF

██████████ declares:

1. I am ██████████ age 27, and I reside with ██████████ my husband, and our children, ██████████ (age 2) and ██████████ (age 3), at ██████████ Washington.
2. On April 8, 2006, ██████████ and I drove our sons to River Park Square (RPS). We arrived at the RPS parking garage at approximately 12 p.m., intending to eat lunch and go to the Children's Museum located in the mall.
3. ██████████ who was driving our 2005 Chevrolet Uplander, pulled into a parking place on the fifth floor of the parking garage. Before getting out, I looked behind our vehicle to ensure there was no traffic that would endanger my ability to safely remove our children from our Uplander. I noticed a slow moving, dark-colored Subaru approaching; at first, I thought it was going to pull into the space next to ours. I was not in any way concerned by the presence, speed or manner of operation of the vehicle and, therefore, I continued to prepare to unload my children.
4. Apparently noticing that we would be unloading our children, the woman driving the Subaru, who I later learned was Jo Savage, left an open space between our Uplander and her vehicle. As a result, she began to pull into the parking space two spaces to the left of the one in which we were parked.
5. As Ms. Savage pulled into the parking space, I believe she was moving at less than five (5) miles per hour; her speed was appropriate for parking. When she approached the curb, Ms. Savage brought the car either to a complete stop or nearly a complete stop. At that time, there was a slight acceleration which caused her to go up onto the horizontal curb piece of the retaining wall and strike

the vertical portion of it with the passenger side of her car. I thought this contact would simply result in a minor "fender-bender."

6. When her vehicle contacted the retaining wall, however, it immediately began to collapse. The retaining wall that Ms. Savage's car contacted is a curved piece of concrete that forms both the horizontal "curb" and the vertical barrier. When the concrete barrier broke, the horizontal section of it under her front wheels together with the vertical portion fell outward, causing the Subaru to fall forward and out of the garage as well.

7. As the Subaru tilted out of the garage following the collapsing barrier, I heard Jo Savage screaming. Once the Subaru struck the barrier, it took four or five seconds for it to tip over the edge and out of the garage. It was enough time for me to take in what was happening and realize that Jo Savage and her car were going to fall out of the garage.

8. Before the Subaru contacted the retaining wall, I did not hear any tire screeching, whether due to acceleration or braking. Given the low speed involved, I would not have expected to hear tire noise. I did, however, hear a loud grinding as the Subaru slid over the edge and out of the garage.

9. Just after the Subaru fell, I tried to use our Uplander's OnStar system to contact emergency services, but [REDACTED] had already removed the keys and gotten out, so it was inoperative. Instead, [REDACTED] used his cellular phone to call 911.

10. I then asked [REDACTED] to move our vehicle to a parking space away from the edge of the parking garage, as I was unnerved at how easily the outside barrier had collapsed. When the police arrived, we talked with their investigator at the scene and told him what we had observed.

11. I did not know Ms. Savage and do not know any of her family or friends.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DECLARATION OF [REDACTED] -2