

DECLARATION OF
DAVID M. MCLAUGHLIN

David M. McLaughlin declares:

1. I am David M. McLaughlin, and I reside with Tara C. McLaughlin, my wife,

2. On April 8, 2006 at about 12 p.m., I drove Tara 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 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.

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DATED this 21 day of April, 2006, at Veradale, Washington.

By: _____
DAVID M. McLAUGHLIN