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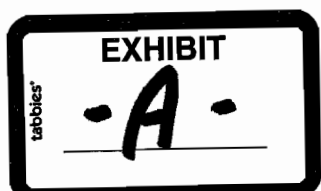
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DECLARATION OF  
JAMES T. ROSS

I, James T. Ross, under the penalty of perjury of the laws of the State of Washington, hereby declare and state:

That I was a missionary for the Church of Jesus Christ of Latter Day Saints from May of 2002 to May of 2004 at which time I received a honorable release. I served in the Spokane, Washington mission and held the positions of Senior Companion, Trainer, District Leader, Zone Leader, and Assistant to the President.

On or about August 21, 2003 I was involved in a motor vehicle collision with six other Elders including my companion, Elder Thomas Waite. At that time I was also a Zone Leader as well as Elder Waite's Senior Companion. Elder Waite and I had been companions for approximately two weeks. That morning Elder Donald Fossum and Elder Cesar Porras, the Elders to which the 2003 Dakota pickup was assigned, picked us up for either a zone or district



1 meeting. We were the last Elders to be picked up and since there were already four Elders sitting  
2 inside the cab of the pickup (two in the front seat, two in the extended cab seats), Elder Waite  
3 and I climbed into the bed of the canopied pickup. I, as well as other Elders had frequently  
4 ridden in the bed of the pickup and did so to most weekly district meetings unless another ride  
5 was available. Following the meeting we stopped off at the Subway restaurant on 32<sup>nd</sup> Avenue.  
6 After lunch Elder Fossum, Elder Porras, Elder Hansen and I got into the cab of the pickup, and  
7 Elder Ryan and Elder Waite who came out of the restaurant last, climbed into the bed.

8 I had been in this particular area for approximately eight weeks, living at the same  
9 apartment and was familiar with the route down Adams Road and the four-way stop at the  
10 intersection of 8<sup>th</sup> Avenue. On the day of the collision I was in the front passenger seat and Elder  
11 Fossum was driving the pickup. Elders Porras and Hansen were in the back seat. I recall  
12 specifically that Elder Fossum stopped at the stop sign on Adams Road. There is a big pine tree  
13 which blocks our view to the west on 8<sup>th</sup> and I was unable to see any car approaching from that  
14 direction until we began moving forward pass the stop sign. I am not sure exactly where the  
15 pickup was in relation to the intersection but the next thing I recall is hearing the screeching of  
16 tires. I then looked and saw a vehicle traveling at a high rate of speed coming towards us down  
17 8th Avenue. I then pointed my finger toward the speeding car to get Elder Fossum's attention  
18 and yelled "oh crap". Elder Fossum looked and saw the car coming and responded by pushing  
19 the accelerator to the floor. The next thing I knew the car hit the side of the pickup knocking us  
20 approximately 180 degrees.  
21

22 After the pickup stopped I looked in the rear and saw that the canopy and both Elder Ryan  
23 and Elder Waite were missing. I exited the pickup and found both Elder Ryan and Elder Waite  
24 lying on the pavement. Elder Waite was not only unconscious but he was not breathing. He also  
25 had blood coming from his nose and ears. Elder Waite finally began to breathe and at some point  
26 in time I recall the ambulance arriving.  
27

28 I do not recall any actual conversations with anyone although I know that I did talk with  
29 the other Elders. We did kneel down and say a prayer for Elder Waite and Elder Ryan and also  
30 called President Ludlow to inform him what had happened.  
31  
32

During a telephone conversation with Mr. Nordstrom I was asked the following questions and provided the following truthful answers:

1 Question: Prior to August 21, 2003, were you ever advised of a rule  
2 either verbal or written that missionaries were not allowed  
3 to ride in the bed of a pickup?

4 Answer: No.

5 Question: Was it your practice even before you were a Zone Leader to  
6 follow mission rules?

7 Answer: Yes.

8 Question: As a Zone Leader if you had understood that there was a rule  
9 that missionaries could not ride in the bed of a pickup would  
10 you have followed that rule?

11 Answer: Yes.

12 Question: As a Zone Leader would you have encouraged other missionaries  
13 to follow such a rule?

14 Answer: Yes.

15 Question: Do you recall the first day arriving in the Washington Spokane  
16 mission and having an orientation?

17 Answer: Yes, a little bit.

18 Question: Do you remember signing a Driving Contract that indicated  
19 that being allowed to drive or ride in a mission owned car  
20 was a privilege and that you would wear a seatbelt whenever  
21 the vehicle was moving?

22 Answer: It was a very busy day and we had people from the mission  
23 office and others coming in to us and giving us all sorts of  
24 papers and having us sign various things and I guess I could  
25 have signed something like that but I really cannot recall  
26 signing that kind of paper.

27 Question: Do you recall whether there were seatbelts in the bed of the  
28 pickup?

29 Answer: There were no seatbelts.

30 Question: Prior to the collision do you recall ever being advised either  
31 verbally or in writing that being required to wear a seatbelt  
32 whenever a vehicle was moving applied to the bed of a  
pickup?

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Answer: No. I was never told that or given anything in writing.

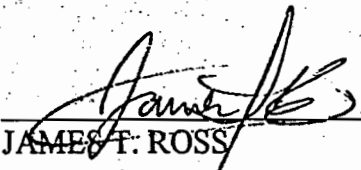
Question: At that time, as a missionary and a Zone Leader if you had known or understood that riding or allowing missionaries to ride in the bed of a pickup was a violation of any mission rule would you have allowed it?

Answer: No. If I had known it was a rule I not only would have followed it myself but encouraged each of the missionaries to follow it as well.

For approximately the last six months of my mission I served as an Assistant to President Ludlow. I was serving in this capacity when Elder Waite returned to the mission field after his hospitalization. He spent the night with us before going to his own area and I recall we talked a little bit about the accident but I do not recall any specifics. I do remember that Elder Waite was indicating he was having short term memory problems but that is about all I recall.

As previously indicated I was honorably released from my mission in May of 2004 after serving for two years.

DATED this 27 day of November, 2006.

  
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JAMES T. ROSS

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