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9 Attorneys for the Plaintiff

10 UNITED STATES DISTRICT COURT
 11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 THOMAS A. WAITE,)
 13 Plaintiff,)

14 vs.)

15 CORPORATION OF THE PRESIDING)
 16 BISHOP OF THE CHURCH OF JESUS)
 17 CHRIST OF LATTER DAY SAINTS, a)
 18 Utah corporation; CORPORAITON OF)
 19 THE PRESIDENT OF THE CHURCH OF)
 20 JESUS CHRIST OF LATTER DAY)
 SAINTS, a Utah corporation; DONALD C.)
 FOSSUM; and STEVEN D. BRODHEAD,)

21 Defendants.)

Case No.: CV-05-399-EFS
 PLAINTIFF'S LR 56.1
 STATEMENT OF MATERIAL
 FACTS

1 Plaintiff, THOMAS A. WAITE, by and through his attorneys, STEPHEN L.
2 NORDSTROM and RICHARD C. EYMANN, hereby submit the following LR 56.1
3 Statement of Material Facts in support of its opposition to Defendants’ Motion for
4 Partial Summary Judgment Re: Specific Claims.
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6 **STATEMENT OF FACTS**
7 **AND RESPONSIVE STATEMENT OF FACTS**

8
9 **I. PLAINTIFF’S RESPONSE TO DEFENDANTS’ STATEMENT OF FACTS**

10 Defendants’ Facts No. 1, 2, 3, 4 (a-e), 5, 6, 7 and 8 are admitted.

11 **II. PLAINTIFF’S STATEMENT OF MATERIAL FACTS**

- 12 1. Defendant church acknowledged that while Mr. Waite was on his mission, a
13 “special relationship” existed between he and the church. (Answer, paragraph 7.3;
14 and Joint Status Certificate and Discovery Plan, page 5, lines 6-7).
- 15 2. The church denies that the special relationship between Mr. Waite and the church
16 was fiduciary. (Joint Status Certificate and Discovery Plan, page 5, lines 7-8).

17
18 DATED this 22nd day of May, 2007.

19
20 NORDSTROM & NEES, P.S.

21 By: s/Stephen L. Nordstrom
22 STEPHEN L. NORDSTROM, WSBA #11267
23 Co-Counsel for Plaintiff
24

EYMANN ALLISON HUNTER JONES, P.S.

By: Telephonically Approved 5/22/07

RICHARD C. EYMANN, WSBA #7470
Co-Counsel for Plaintiff

CERTIFICATE OF SERVICE

I, Stephen L. Nordstrom, hereby certify that on the 22nd day of May, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following participants:

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s/Stephen L. Nordstrom
STEPHEN L. NORDSTROM