

1 3. In the fall of 2004 I attended a dramatic writing workshop course taught by
2 Professor Mills.

3 4. One day in October 2004, immediately after a class session, I discussed a
4 play I was writing for the class with Professor Mills and Mike Murphy, another student in
5 the class. The play was called "Bagels and Balrogs," and included a discussion among
6 the patrons of a bagel shop, who were debating the relative merits of the film and novel
7 versions of the Lord of the Rings, by J.R.R. Tolkien.

8 5. I had cast Mike Murphy to play one of the characters in the play. The
9 character was intended to be reminiscent of a "Hell's Angel," and have a rough, surly
10 persona. I had written a scene in the play which called for the character to slice a bagel
11 while passionately arguing a point about the film version of the Lord of the Rings. For
12 dramatic effect, and to deepen the development of the character, the script called for the
13 character to use a knife to hack the bagel into several pieces. I believed that the knife
14 would need to be fairly large in order to convey the dramatic intent and a smaller knife
15 would not be appropriate for the scene.

16 6. I asked Mike Murphy if he had a suitable knife, and he said that he did not.
17 Professor Mills then told us that he had a pocketknife that might be appropriate, and
18 removed his knife from his belt. He opened it and showed it to us, asking if we thought it
19 would serve as a prop for the scene. We agreed that it would be an appropriate prop, and
20 asked Professor Mills if we could use it for the scene. Professor Mills said that we could
21 use the pocketknife as a prop.

DECLARATION OF NICHOLAS
McLEOD – 2

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1 7. When Professor Mills took out and opened the pocketknife, Mr. Murphy
2 and I were within approximately arm's length of Professor Mills. I did not feel at all
3 threatened, and Mr. Murphy likewise gave no indication that he was made uncomfortable
4 by Professor Mills' actions. Professor Mills did not brandish the knife, point it at anyone,
5 or make any gestures with the knife of any kind. I considered the discussion to be related
6 to my coursework.

7 8. During the discussion with Mr. Murphy and Professor Mills, there were
8 several other students in the area, the class having not yet fully disbanded. None of the
9 other students were as close to Professor Mills as I and Mr. Murphy, although other
10 students were close enough to see that Professor Mills was showing us a pocketknife. No
11 other students indicated any alarm or displeasure at the fact that Professor Mills showed
12 us his pocketknife. I did not hear anyone say anything about the knife at all, and certainly
13 no one seemed to be afraid.

14 I hereby declare under penalty of perjury under the laws of the State of
15 Washington that to the best of my knowledge the foregoing is true and correct.

16 Dated and signed at Bellingham, Washington, this 7th day of August, 2005.

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Nicholas McLeod, Declarant

DECLARATION OF NICHOLAS
McLEOD -- 3

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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2005, 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:

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DEBORAH A. GROTH

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DECLARATION OF NICHOLAS
McLEOD – 4

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