

The Honorable John C. Coughenour

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PERRY MILLS,

Plaintiff,

vs.

ANDREW BODMAN,

Defendant.

NO. CV05-1315C

DECLARATION OF MICHAEL
MURPHY

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

Michael Murphy hereby declares as follows:

1. I am over the age of eighteen, and competent to make the statements contained in this Declaration.

2. I have been a student at Western Washington University, and I have taken courses taught by Professor Perry Mills.

DECLARATION OF MICHAEL
MURPHY – 1

**CARNEY
BADLEY
SPELLMAN**

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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
4 with another student, Nick McLeod, a play he was writing for the class. Mr. McLeod
5 wanted me to play a part in the play for a scene to be performed in class. He told me that
6 the character needed to use a knife onstage as a prop and asked me if I had a suitable
7 knife. I did not, but I told him that Professor Mills had a folding knife we might be able
8 to use, and I asked Professor Mills if he had the knife to show to Mr. McLeod. I knew
9 that Professor Mills sometimes carried a pocket knife because I have seen him use a
10 pocketknife in the past to cut holes in the ends of his cigars. Professor Mills said that he
11 did have the knife, and he removed it from his pocket and opened it to show it to Mr.
12 McLeod. Professor Mills said we could use the knife as a prop, and then he put it away.
13 The knife was out of Professor Mills' pocket for less than 15 seconds, and at no time did
14 Professor Mills brandish the knife in any remotely threatening manner. I was standing
15 near Professor Mills and I was not at all frightened for my safety. There were other
16 students in the area, but I saw no indication that any of them was afraid and certainly none
17 were in any danger.

18 5. On another occasion, I was standing with Professor Mills and a few other
19 students on the sidewalk near a parking lot on the Western Washington University
20 campus. We were talking and smoking together. Professor Mills was smoking a cigar.
21 We were standing near a parking space that was designated for faculty only during the

DECLARATION OF MICHAEL
MURPHY - 2

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**CARNEY
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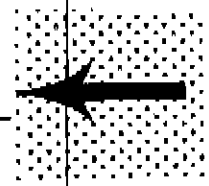
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1 daytime hours. As we stood there, a vehicle drove up and parked illegally in the faculty
2 only space. My group, including Professor Mills, commented to one another that the car
3 was likely to be towed. As the driver parked the car, we noticed that the car had a
4 "Bush/Cheney" campaign sticker on it, and as the occupants of the vehicle stepped out we
5 teasingly booed them because of the sticker. Professor Mills made a joking comment to
6 the effect that someone should drop the car into the La Brea tar pit and in a thousand
7 years it would be valuable, which I took as a comment that he believed that George W.
8 Bush is comparable to a dinosaur. Professor Mills did not say anything threatening to the
9 occupants of the car, and the mood was light. My group was laughing at Professor Mills'
10 joke. Professor Mills did not at any point move toward the occupants of the vehicle as
11 they walked by. The female passenger did not seem amused and kept walking away
12 without saying anything. She did not seem afraid at all. The male driver paused to chat
13 briefly with Professor Mills about what type of cigar he was smoking and about cigars in
14 general, and then he too walked away. That was the last we saw of them.

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

18 Dated and signed at Everett, Washington, this 7th day of September, 2005.

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Michael Murphy, Declarant



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DECLARATION OF MICHAEL
MURPHY - 3

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CERTIFICATE OF SERVICE

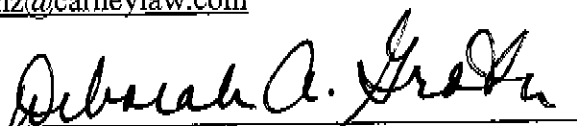
I hereby certify that on September 8, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DEBORAH A. GROTH

DECLARATION OF MICHAEL MURPHY – 4

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