

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Honorable James L. Robart

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRIAN JACOBSEN, CONNIE
JACOBSEN, RYAN KILDEA and ARICA
KILDEA,

Plaintiffs,

vs.

MARK DRISCOLL and JOHN SUTTON
TURNER,

Defendants.

No. 2:16-CV-00298 JLR

DECLARATION OF CONNIE
JACOBSEN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS TURNER AND
DRISCOLL MOTIONS TO DISMISS
WITH PREJUDICE AND TURNER'S
MOTION FOR SANCTIONS

NOTED ON MOTION CALENDER:
JULY 8, 2016

I, Connie Jacobsen, declare as follows:

I am over the age of eighteen years and I am competent to testify to the matters herein.

I am a Plaintiff in the above-captioned matter.

1 1. My reasons for filing the lawsuit are set forth in great factual detail in the 42-
2 page complaint filed in this matter.

3 2. The first Mars Hill Church (MHC)-related legal action of any kind that the
4 four current Plaintiffs were involved with was the letter Mr. Fahling sent on December 24,
5 2014, to Karen Cobb, who was then the MHC attorney. That letter made it very clear that we
6 were seeking mediation. Mr. Fahling also set forth in that letter the legal claims we were
7 considering and the possible Defendants who could be named. For 14 months, we heard
8 nothing from Defendants in response to our request for mediation. (This mediation letter was
9 publicly linked in one of Warren Throckmorton's Patheos blog posts. It was through Mr.
10 Throckmorton -14 months later, after the complaint was filed - that Mr. Turner finally
11 contacted us).

12 3. It is upsetting to us that we did not receive the funding we had hoped for and
13 were unable to serve the Defendants in the allotted 90-day time frame. We wanted and
14 intended to proceed with the lawsuit. We still plan to do so if the funding becomes available.
15

16 4. There were a number of other former MHC members who wanted to join the
17 lawsuit, but Mr. Fahling did not include them, either because their claims would have been
18 based upon legal theories he did not believe were viable, or for other reasons based on his
19 legal judgment. Others who support the lawsuit and want to see it proceed also chose not to
20 participate for various reasons. Some simply didn't want to go through all that it requires to
21 be a Plaintiff. Some are still so traumatized by what happened to them at MHC that 1) they
22 didn't feel they had the strength and energy necessary; or 2) they couldn't deal with the
23 memories and the pain that would be dredged up in the process.
24
25
26

1 5. We had every reason to expect (through many conversations with a number of
2 different people) that others would want to help financially with this lawsuit. Some who had
3 been harmed by the actions of those named in the lawsuit wanted to help. Others who had
4 not ever attended MHC, but wanted to see the truth brought to light, also wanted to help. A
5 number of people have given generously.

6 6. When we could see that the funds were not coming in as we had hoped, we
7 were so serious about proceeding with the lawsuit we offered to finance the lawsuit
8 ourselves, even though Mr. Jacobsen has been unemployed for almost two years. Knowing
9 our situation, Mr. Fahling refused to let us do so.

10 7. Our only goal in the filing and prosecuting the lawsuit against Driscoll and
11 Turner was to hold them legally accountable for their wrongful actions which caused injury
12 to my husband and me, and to the many others they defrauded. However, if the Defendants
13 had agreed to mediation, we were willing to walk away from the over \$90,000 we had been
14 fraudulently induced to donate. When Defendants refused to be held accountable through
15 mediation, we were left with no choice but to file the lawsuit, claiming as damages the
16 donations we would never have made if we had known the truth about Defendants'
17 fraudulent practices.

18 8. There has never been a desire for retribution nor to harass Turner or Driscoll.
19 We also have no desire for personal notoriety or publicity. One of the most difficult aspects
20 of all this has been to put ourselves in the public eye. We have lost many friends and have
21 been the subjects of many personal attacks, including in social media and elsewhere on the
22 Internet.

CERTIFICATE OF SERVICE

I hereby certify that on July 5th, 2016, I mailed via First Class Mail and Email, and 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 counsel of record:

VIA CM/ECF

Aaron D. Bigby
Northcraft, Bigby & Biggs, P.C.
819 Virginia Street, Suite C-2
Seattle, WA 98101
Telephone: (206) 623-0229
E-mail: aaron_bigby@northcraft.com
Attorney for Defendant John Sutton Turner

VIA FIRST CLASS MAIL

Thomas M. Brennan
Robert G. Chadwell
McKay Chadwell, PLLC
600 University Street, Suite 1601
Seattle, WA 98101-4124
Phone: (206) 233-2800
Fax: (206) 233-2809
Email: tmb@mckay-chadwell.com
rgc1@mckay-chadwell.com
Attorneys for Defendant Mark Driscoll

DATED this 5th day of July, 2016, in Kirkland, Washington.

/s/ Brian Fahling
Brian Fahling