

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  
27  
28

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CITIZENS OF EBEBY'S RESERVE FOR A  
HEALTHY, SAFE & PEACEFUL  
ENVIRONMENT,

Plaintiffs,

v.

U.S. DEPARTMENT OF THE NAVY;  
ADMIRAL BILL GORTNEY, in his official  
capacity as the Commander, Fleet Forces  
Command; and COMMANDER MIKE  
NORTIER, in his official capacity as  
Commander Naval Air Station Whidbey  
Island,

Federal Defendants.

NO. 2:13-cv-01232-TSZ

DECLARATION OF BRADLEY S.  
PORTIN

I, BRADLEY S. PORTIN, declare as follows:

1. I am over the age of 18 and competent to testify in this matter. The information in this declaration is based on my personal belief.

2. My name is Bradley S. Portin. I am <sup>59</sup>58 years of age. I am married. We have two residences, one at 1276 Byrd Drive, Coupeville, Washington where we reside part of the time and the remainder of the time we live at 1231 NE 135<sup>th</sup> Street, Unit D, Seattle,

THE HONORABLE THOMAS S. J. LY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NO. 2:13-cv-01232-TSZ

DIVISION OF BRADLEY S.  
NORTON

Plaintiff

U.S. DEPARTMENT OF THE NAVY  
ADMIRAL BILL GORTNEY, in his official  
capacity as the Commander, 14th Fleet  
Command, and COMNAVFOR PACIFIC  
NORTHERN, in his official capacity as  
Commander, 1st Air Squadron, Whidbey  
Island  
Federal Defendants

I am over the age of 18 and competent to testify in this matter. The

information in this declaration is based on my personal belief.

My name is Bradley S. Norton. I am 54 years of age. I am married. We have

two residences, one in 1350 15th Avenue, Everett, Washington, where we reside part of

the time and the remainder of the time we live at 1331 NE 155<sup>th</sup> Street, John D. Sea, Inc.

DEWEY R. MANN, LLP  
11300 1st Avenue, Suite 200  
Seattle, WA 98101  
Phone: (206) 461-3333  
Fax: (206) 461-3315

DIVISION OF BRADLEY S. NORTON  
(NO. 2:13-cv-01232-TSZ) - 1

1 WA 98125. Our home at Byrd Drive is approximately one mile from OLF Coupeville, and  
2 under the flight path of the EA18G Growlers on the predominant final approach to the OLF.

3 3. I am a life-long Washingtonian having grown up in Seattle. I graduated  
4 from the Shoreline Schools in Seattle, obtained my first degree from the University of  
5 Washington and Masters from Seattle Pacific University. I was an elementary teacher and  
6 principal before pursuing my Ph.D. at Oxford. I have been a professor at the University of  
7 Washington since 1995 and currently the dean of the School of Educational Studies at the  
8 University of Washington, Bothell.

9  
10 4. We moved into our Whidbey Island residence in April of 2010. That began  
11 my exposure to Growler jet noise. Due to increased tinnitus, (constant ringing in my ears),  
12 in 2011 I was sent by my physician to an audiologist. I was diagnosed with permanent  
13 unilateral hearing loss and told I suffer tinnitus, both conditions for which there is no  
14 treatment available.

15  
16 5. Other than my exposure to the tremendous noise of the Growler aircraft I  
17 have never been exposed to any extremely loud noise. There is nothing in my personal  
18 history and background that are usual explanations for the ear and hearing problems I am  
19 experiencing since we moved under the Growler/OLF flight path. I have never been  
20 exposed to loud music, have not attended loud concerts, fired guns nor hunted, been in the  
21 military, nor engaged in any activities to account for the type of hearing loss I suffer, other  
22 than exposure to the Growlers at very low altitude over our residence.

23  
24 6. One event that stands out in my memory is when I inadvertently locked  
25 myself out on a second floor deck while the Growlers were practicing. I spent about an hour  
26 without ear protection while I sought a way to get off of that deck.  
27

...and ...  
...the ...  
...I ...  
...from the ...  
...Washington ...  
...principal ...  
...Washington ...

University of Washington

...  
...my ...  
...I ...  
...and ...  
...available

...  
...I ...  
...and ...  
...I ...

...  
...I ...  
...that ...

...  
...I ...  
...I ...

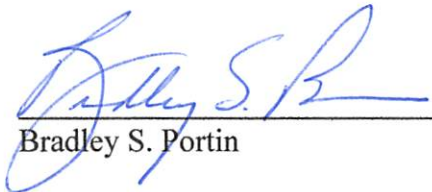
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

7. The Growler overflights are loud beyond description. We feel trapped in our home where we must be when they are flying. The extreme noise is frightening to our pets. Conversations or listening to music or television cannot occur during flight training. When they fly until very late into the night, often until 1 a.m. sleep is prevented which impacts me the next day at work or leisure.

8. I am supportive of appropriate training for our military forces, but believe that appropriate training that is dangerous to others should be performed in appropriate locations. The OLF Coupeville is not such a place.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 16<sup>th</sup> day of March, 2015, in Coupeville, Washington.

By:   
Bradley S. Portin

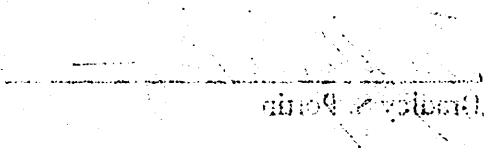
The Court notes that the evidence presented in this case is circumstantial. The Court notes that the evidence presented in this case is circumstantial. The Court notes that the evidence presented in this case is circumstantial.

I am supportive of appropriate training for our military forces, but believe that appropriate training for our military forces should be conducted in appropriate locations. The U.S. Constitution is not such a place.

I believe and am confident of being under the laws of the State of Washington that

the foregoing is true and correct.

Witness my hand and the seal of this office on this day of \_\_\_\_\_, 2015, in County of \_\_\_\_\_, Washington.

  
\_\_\_\_\_  
Bradley A. Smith

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
San Jose, CA 95128  
Phone: (408) 531-6000  
Fax: (408) 531-6000

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
San Jose, CA 95128  
Phone: (408) 531-6000  
Fax: (408) 531-6000