

## Superior Court of Washington, Thurston County

Plaintiff / Petitioner:

WASHINGTON FEDERATION OF STATE  
EMPLOYEES, et al.,

Case No. 19-2-06100-34

**Notice of Hearing for Civil Motions**

Defendant / Respondent:

STATE OF WASHINGTON, et al.

(NTHG)

### To the Court Clerk and all parties:

**1.** A court hearing has been scheduled for: January 17, 2020 (date) @ 9:00 a.m. (time).

The hearing will be before the assigned Judge Skinder or Commissioner.

The hearing will take place at 2000 Lakeridge Drive SW, Building 2; Olympia, WA 98502.

**2.** The **name** of the motion or type of hearing is: Motion for Order Extending Preliminary Injunction. **Required:** The motion was filed  with this notice or  previously on: January 9, 2020 (date).

**3.** The hearing should be scheduled as a:

- Unlawful Detainer Motion** (Friday 9:30 a.m.)
- Trial Setting under LCR 40** (Friday 9:00 Administrative Session – DO NOT GO TO COURT).
- Dispositive Motion** -- Summary Judgment, CR 12(b)(6), or CR 12(c) motion (Friday 9:00 a.m.)
- Other Civil Motion** (Friday 9:00 a.m.)

### **Warnings!**

- If you do not go to the hearing, the court may sign orders without hearing your side.
- You will need to check that the session is available before you schedule a hearing. You can see whether a session is full on the Clerk's website: [www.co.thurston.wa.us/clerk](http://www.co.thurston.wa.us/clerk).
- If this notice is incomplete or contains an incorrect date, time, or conflicting information, your hearing may not be scheduled and you will not be notified. You can verify whether a hearing was scheduled at: <https://odysseyportal.courts.wa.gov/odyportal>.
- You need to schedule this hearing at least six business days ahead of time. More time is required for

dispositive motions (28 days) and some other matters. Consult local and state court rules.

#### 4. Declaration of Service

I declare that on January 9, 2020,  
I  deposited in the United States mail,  delivered  
through a legal messenger service,  personally  
delivered, a copy of this notice of hearing, the motion,  
and all paperwork filed along with the motion, to all  
people listed below in section 6. via email.

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

Signed at Olympia (city) WA (State)  
on 1/9/2020 (date signed).  
Amber Downs (printed name)  
[Signature] (signature)

#### 5. Person Scheduling this Hearing:

Name of party: Attorney for Plaintiff WFSE

Sign: [Signature]

Print Name: Edward Earl Younglove, III

WSBA # 5873 (if attorney)

Address: 1800 Cooper Point Road SW, Bldg 16

City/State/Zip: Olympia, WA 98507

Telephone: (360) 357-7793

Email: edy@ylclaw.com or angie@ylclaw.com

Date: 1/9/2020

#### 6. Names and Contact Information for Everyone Notified of this Hearing

1. Plaintiffs, Washington Public Employees Association ("WEPA"), Service Employees International Union 925 (SEIU 925) and Teamsters Local Union No. 117 (Teamsters 117) are represented by:

Kathleen P. Barnard, WSBA #17896  
Melissa Greenberg, WSBA #54132  
Barnard Iglitzin & Lavitt LLP  
18 W Mercer Street, Suite 400  
Seattle, WA 98119  
(206) 257-6002 Fax (206) 257-6037  
[barnard@workerlaw.com](mailto:barnard@workerlaw.com)

Kathleen P. Barnard – [barnard@workerlaw.com](mailto:barnard@workerlaw.com)  
Melissa Greenberg – [greenberg@workerlaw.com](mailto:greenberg@workerlaw.com)  
Esmeralda Valenzuela – [valenzuela@workerlaw.com](mailto:valenzuela@workerlaw.com)

2. Plaintiff, Washington Education Association (WEA), is represented by:

Harriet Strasberg, WSBA #15890  
203 Fourth Avenue E, Ste. 520  
Olympia, WA 98501  
(360) 754-0304  
Harriet Strasberg – [HStrasber@comcast.net](mailto:HStrasber@comcast.net)

3. Defendant, State of Washington (the "State"), is represented by:

Ohad M. Lowy, WSBA #33128  
Shawn Horlacher, WSBA #45064  
Stacey McGahey  
Carly Gubser

Assistant Attorneys General  
PO Box 40145  
Olympia, WA 98504-1045  
(360) 664-4767  
Ohad M. Lowy – [ohad.lowy@atg.wa.gov](mailto:ohad.lowy@atg.wa.gov)  
Shawn Horlacher – [shawn.horlacher@atg.wa.gov](mailto:shawn.horlacher@atg.wa.gov)  
Stacey McGahey – [stacey.mcgahay@atg.wa.gov](mailto:stacey.mcgahay@atg.wa.gov)  
Carly Gubser – [carly.gubser@atg.wa.gov](mailto:carly.gubser@atg.wa.gov)

4. Defendant, Washington State Department of Retirement Systems (DRS), is represented by:

Evelyn Fielding Lopez, WSBA #18900  
Assistant Attorney General  
PO Box 40123  
Olympia, WA 98504-0123  
(360) 664-9426  
Evelyn Fielding Lopez – [EvelynFielding.Lopez@atg.wa.gov](mailto:EvelynFielding.Lopez@atg.wa.gov)  
Ebonne Robinson - [Ebonne.Robinson@atg.wa.gov](mailto:Ebonne.Robinson@atg.wa.gov)

5. Defendant, Freedom Foundation is represented by:

Sydney Phillips, WSBA #54295  
Robert Bouvatte, WSBA #50220  
PO Box 552  
Olympia, WA 98507  
(360) 956-3482 Fax (360) 352-1874  
Eric Stahlfeld – [ESTahlfeld@freedomfoundation.com](mailto:ESTahlfeld@freedomfoundation.com)  
Sydney Phillips – [SPhillips@freedomfoundation.com](mailto:SPhillips@freedomfoundation.com)  
Robert Bouvatte – [RBouvatte@freedomfoundation.com](mailto:RBouvatte@freedomfoundation.com)  
Jennifer Matheson – [JMatheson@freedomfoundation.com](mailto:JMatheson@freedomfoundation.com)

6. Defendant, Kitsap Regional Library is represented by:

Jessica L. Goldman, WSBA #21856  
Summit Law Group, PLLC  
315 Fifth Avenue Sourt, Suite 1000  
Seattle, WA 98104  
(206) 676-7000 Fax (206) 676-7001  
Jessica L. Goldman – [jessica@summitlaw.com](mailto:jessica@summitlaw.com)  
Sharon K. Hendricks – [sharonh@summitlaw.com](mailto:sharonh@summitlaw.com)

7. Defendant, Intercity Transit is represented by:

Don G. Daniel, WSBA #12508  
Jeffrey S. Meyers, WSBA #16390  
Law, Lyman, Daniel Kmerrer & Bogdanovich, P.S.  
PO Box 11880  
Olympia, WA 98508-1880  
(360) 754-3480 Fax (360) 754-3511  
Email: [ddaniel@lldkb.com](mailto:ddaniel@lldkb.com)

8. Defendant, IBEW locals 483, 76 and 77 and UAPP 32 and Seattle Building and Trades Council is represented by:

Kristina M. Detwiler, WSBA #26448  
2101 Fourth Ave., Ste. 100  
Seattle, WA 98121  
(206) 467-6700 Fax (206) 467-7589  
[kdetwiler@unionattorneysnw.com](mailto:kdetwiler@unionattorneysnw.com)

1  **EXPEDITE**  
2  No Hearing is set  
3  Hearing is set:  
4 Date: January 17, 2020  
Time: 9:00 a.m.  
Judge/Calendar: Skinder

5  
6  
7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**  
**IN AND FOR THURSTON COUNTY**

8 WASHINGTON FEDERATION OF STATE  
9 EMPLOYEES, COUNCIL 28; AMERICAN  
10 FEDERATION OF STATE COUNTY AND MUNICIPAL  
11 EMPLOYEES; WASHINGTON PUBLIC EMPLOYEES  
12 ASSOCIATION, UFCW LOCAL 365;  
13 INTERNATIONAL BROTHERHOOD OF TEAMSTERS,  
14 LOCAL 117; SERVICE EMPLOYEES  
15 INTERNATIONAL UNION, LOCAL 925;  
16 WASHINGTON EDUCATION ASSOCIATION;  
17 AMERICAN FEDERATION OF TEACHERS  
18 WASHINGTON; PUBLIC SCHOOL EMPLOYEES OF  
19 WASHINGTON, SEIU LOCAL 1948; WASHINGTON  
20 NURSES ASSOCIATION, UNITED FOOD AND  
21 COMMERCIAL WORKERS, LOCAL 21, UNIVERSITY  
OF WASHINGTON HOUSESTAFF ASSOCIATION,  
22 AMALGAMATED TRANSIT UNION LEGISLATIVE  
COUNCIL OF WA, PROTEC 17, INTERNATIONAL  
OPERATING ENGINEERS 609, INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL WORKERS,  
LOCAL 483, UNITED ASSOCIATION OF PLUMBERS  
& PIPEFITTERS, LOCAL 32, INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL WORKERS,  
LOCAL 76, INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, LOCAL 77, and SEATTLE  
BUILDING AND CONSTRUCTION TRADES  
COUNCIL, labor organizations

Plaintiffs,

NO. 19-2-06100-34

SUMMONS

v.

1  
2 STATE OF WASHINGTON; OFFICE OF FINANCIAL  
3 MANAGEMENT; DEPARTMENT OF RETIREMENT  
4 SYSTEMS; and FREEDOM FOUNDATION,  
5 DEPARTMENT OF AGRICULTURE; ARTS  
6 COMMISSION; BLIND SERVICES; BLIND, SCHOOL;  
7 CENTER FOR CHILDHOOD DEAFNESS AND  
8 HEARING LOSS; COMMERCE; CORRECTIONS;  
9 CRIMINAL JUSTICE TRAINING COMMISSION;  
10 CONSOLIDATED TECHNOLOGY SERVICES;  
11 DEPARTMENT OF ENTERPRISE SERVICES;  
12 DEPARTMENT OF FISH & WILDLIFE; DEPARTMENT  
13 OF SOCIAL AND SERVICES; DEPARTMENT OF  
14 CHILDREN YOUTH & FAMILIES; DEPARTMENT OF  
15 ECOLOGY; EMPLOYMENT SECURITY  
16 DEPARTMENT; HEALTH; HEALTH CARE  
17 AUTHORITY; HORSE RACING COMMISSION;  
18 HUMAN RIGHTS COMMISSION; INDUSTRIAL  
19 APPEALS; OFFICE OF THE INSURANCE  
20 COMMISSIONER; DEPARTMENT OF LABOR AND  
21 INDUSTRIES; LIQUOR CONTROL BOARD;  
22 DEPARTMENT OF LICENSING; WASHINGTON'S  
LOTTERY; MILITARY DEPARTMENT;  
DEPARTMENT OF NATURAL RESOURCES; OFFICE  
OF ADMINISTRATIVE HEARINGS; OFFICE OF  
MINORITY WOMEN'S BUSINESS ENTERPRISES;  
RECREATION AND CONSERVATION OFFICE;  
PARKS; SECRETARY OF STATE; STATE PATROL;  
TRANSPORTATION; UTILITIES AND  
TRANSPORTATION COMMISSION; VETERANS  
AFFAIRS; AND WORKFORCE TRAINING AND  
EDUCATION COORDINATING BOARD.  
DEPARTMENT OF REVENUE; LIQUOR AND  
CANNABIS CONTROL BOARD; OFFICE OF THE  
ATTORNEY GENERAL; UNIVERSITY OF  
WASHINGTON; UW PHYSICIANS, UNIVERSITY OF  
WASHINGTON POLICE; WASHINGTON STATE  
UNIVERSITY; WESTERN WASHINGTON  
UNIVERSITY; EASTERN WASHINGTON  
UNIVERSITY; CENTRAL WASHINGTON  
UNIVERSITY; THE EVERGREEN STATE COLLEGE;  
BELLEVUE COLLEGE; CENTRALIA COLLEGE;  
EVERETT COMMUNITY COLLEGE; GREEN RIVER

1 COMMUNITY COLLEGE; LOWER COLUMBIA  
2 COLLEGE; PENINSULA COLLEGE; SEATTLE  
3 COLLEGES DISTRICT; SHORELINE COMMUNITY  
4 COLLEGE; SOUTH PUGET SOUND COMMUNITY  
5 COLLEGE; COMMUNITY COLLEGES OF SPOKANE;  
6 TACOMA COMMUNITY COLLEGE; AND WHATCOM  
7 COMMUNITY COLLEGE; BELLEVUE COLLEGE; BIG  
8 BEND COMMUNITY COLLEGE; CASCADIA  
9 COLLEGE; CLARK COLLEGE; COLUMBIA BASIN  
10 COLLEGE; EDMONDS COMMUNITY COLLEGE;  
11 GRAYS HARBOR; HIGHLINE COLLEGE; OLYMPIC  
12 COLLEGE; PIERCE COLLEGE; SKAGIT VALLEY  
13 COLLEGE; TACOMA COMMUNITY COLLEGE;  
14 WALLA WALLA COMMUNITY COLLEGE;  
15 WENATCHEE VALLEY COLLEGE; YAKIMA VALLEY  
16 COLLEGE; RENTON TECHNICAL COLLEGE;  
17 DEPARTMENT OF CORRECTIONS; WASHINGTON  
18 STATE FERRIES; DEPARTMENT OF ENTERPRISE  
19 SERVICES, BATES TECHNICAL COLLEGE AND  
20 BELLINGHAM TECHNICAL COLLEGE; KITSAP  
21 REGIONAL LIBRARY; C-TRAN, INTERCITY  
22 TRANSIT; PIERCE TRANSIT; EVERETT TRANSIT;  
WHATCOM TRANSIT; SPOKANE TRANSIT; ARBOR  
HEALTH, MORTON HOSPITAL; BENTON FRANKLIN  
HEALTH DISTRICT; CASCADE MEDICAL CENTER;  
EVERGREEN HEALTH; GRAYS HARBOR  
COMMUNITY HOSPITAL; ISLAND HOSPITAL;  
KITITAS VALLEY HEALTHCARE; OCEAN BEACH  
HOSPITAL; PULLMAN REGIONAL HOSPITAL;  
SEATTLE & KING COUNTY PUBLIC HEALTH  
DISTRICT; SKAGIT REGIONAL HEALTH; SKYLINE  
HOSPITAL; SNOHOMISH HEALTH DISTRICT;  
SPOKANE REGIONAL HEALTH DISTRICT; SPOKANE  
VETERANS HOME; UW MEDICINE – UNIVERSITY OF  
WASHINGTON MEDICAL CENTER; WALLA WALLA  
VETERANS HOME; WASHINGTON SOLDIERS HOME;  
WASHINGTON VETERANS HOME; WHATCOM  
COUNTY HEALTH DEPARTMENT; WHIDBEY  
HEALTH, LAKE WASHINGTON INSTITUTE OF  
TECHNOLOGY, CLOVER PARK TECHNICAL  
COLLEGE, the following school districts: ESD #101, ESD  
#112, PUGET SOUND ESD 121 (RENTON), ABERDEEN  
SD #5, ADNA SD #226, ALMIRA SD #17, ANACORTES  
SD #103, ARLINGTON SD #16, ASOTIN-ANATONE

1 SD #420, AUBURN SD #408, BAINBRIDGE ISLAND  
SD #303, BATTLE GROUND SD #119, BELLEVUE SD  
2 #405, BELLINGHAM SD #501, BETHEL SD #403,  
BLAINE SD #503, BREMERTON SD #100-C,  
3 BREWSTER SD #111, BRIDGEPORT SD #75,  
BRINNON SD #46, BURLINGTON EDISON SD #100,  
4 CAMAS SD #117, CAPE FLATTERY SD #401,  
CASCADE SD #228, CASHMERE SD #222, CASTLE  
5 ROCK SD #401, CENTERVILLE SD #215, CENTRAL  
KITSAP SD #401, CENTRAL VALLEY SD #356,  
6 CENTRALIA SD #401, CHEHALIS SD #302, CHENEY  
SD #360, CHEWELAH SD #36, CHIMACUM SD #49,  
7 CLARKSTON SD #J 250-185, CLE ELUM-ROSLYN SD  
#404, CLOVER PARK SD #400, COLFAX SD #300,  
8 COLLEGE PLACE SD #250, COLTON SD #306,  
COLUMBIA (STEV) SD #206, COLUMBIA (WALLA)  
9 SD #400, COLVILLE SD #115, CONCRETE SD #11,  
CONWAY SD #317, COSMOPOLIS SD #99,  
10 COUPEVILLE SD #204, CRESCENT SD #313  
CRESTON SD #073, CUSICK SD #59, DAMMAN SD  
11 #7, DARRINGTON SD #330, DAVENPORT SD #207,  
DAYTON SD #2, DEER PARK SD #414, DIERINGER  
12 SD #343, EAST VALLEY SPOKANE SD #361, EAST  
VALLEY YAKIMA SD #90, EASTMONT SD #206,  
13 EASTON SD #28, EATONVILLE SD #404, EDMONDS  
SD #15, ELLENSBURG SD #401, ELMA SD #68,  
14 ENDICOTT SD #308, ENTIAT SD #127, ENUMCLAW  
SD #216, EPHRATA SD #165, EVERETT SD #2,  
15 EVERGREEN (CLARK) SD #114, EVERGREEN  
(STEVENS) SD #205, FEDERAL WAY SD #210,  
16 FERNDALE SD #502, FIFE SD #417, FINLEY SD #53,  
FRANKLIN PIERCE SD #402, FREEMAN SD #358,  
17 GARFIELD SD #302, GOLDENDALE SD #404, GRAND  
COULEE DAM SD #301J, GRANDVIEW SD #116-200,  
18 GRANGER SD #204, GRANITE FALLS SD #332,  
GRAPEVIEW SD #54, GREAT NORTHERN SD #312,  
19 GREEN MOUNTAIN SD #103, GRIFFIN SD #324,  
HARRINGTON SD #204, HIGHLAND SD #203,  
20 HIGHLINE SD #401, HOCKINSON SD #98, HOOD  
CANAL SD #404, HOQUIAM SD #28, INCHELIUM SD  
21 #70, ISSAQUAH SD #411, KAHLOTUS SD #56,  
KALAMA SD #402, KELLER SD #3, KELSO SD #458,  
22 KENNEWICK SD #17, KENT SD #415, KETTLE FALLS  
SD #212, KIONA BENTON SD #52, KITTTITAS SD #403,



1 KLUCKITAT SD #402, LA CENTER SD #101, LA  
2 CONNER SD #311, LACROSSE SD #126, LAKE  
3 CHELAN SD #129, LAKE QUINAULT SD #97, LAKE  
4 STEVENS SD #4, LAKE WASHINGTON SD #414,  
5 LAKEWOOD SD #306, LAMONT SD #264, LIBERTY  
6 SD #362, LIND SD #158, LONGVIEW SD #122, LOON  
7 LAKE SD #183, LOPEZ ISLAND SD #144, LYLE SD  
8 #406, LYNDEN SD #504, MABTON SD #120,  
9 MANSFIELD SD #207, MANSON SD #19, MARY M  
10 KNIGHT SD #311, MARY WALKER SD #207,  
11 MARYSVILLE SD #25, MC CLEARY SD #65, MEAD  
12 SD #354, MEDICAL LAKE SD #326, MERCER ISLAND  
13 SD #400, MERIDIAN SD #505, METHOW VALLEY SD  
14 #350, MONROE SD #103, MONTESANO SD #66,  
15 MORTON SD #214, MOSES LAKE SD #161,  
16 MOSSYROCK SD #206, MOUNT ADAMS SD #209,  
17 MOUNT BAKER SD #507, MOUNT PLEASANT SD  
18 #29-93, MOUNT VERNON SD #320, MUKILTEO SD  
19 #6, NACHES VALLEY SD #3, NAPAVINE SD #14,  
20 NASELLE GRAYS RIVER VALLEY SD #155,  
21 NESPELEM SD #14, NEWPORT SD #56-415, NINE  
22 MILE FALLS SD #325, NOOKSACK VALLEY SD #506,  
NORTH BEACH SD #64, NORTH FRANKLIN SD #J51-  
162, NORTH KITSAP SD #400, NORTH MASON SD  
#403, NORTH RIVER SD #200, NORTH THURSTON  
SD #3, NORTHPORT SD #211, NORTHSHORE SD  
#417, OAK HARBOR SD #201, OAKESDALE SD #324,  
OAKVILLE SD #400, OCEAN BEACH SD #101,  
OCOSTA SD #172, ODESSA SD #105-157-166J,  
OKANOGAN SD #105, OLYMPIA SD #111, OMAK SD  
#19, ONALASKA SD #300, ONION CREEK SD #30,  
ORCAS ISLAND SD #137, ORIENT SD #65, ORONDO  
SD #13, OROVILLE SD #410, ORTING SD #344,  
OTHELLO SD #147-163-55, PALOUSE SD #301,  
PASCO SD #1, PATEROS SD #122, PE ELL SD #301,  
PENINSULA SD #401, PIONEER SD #402, POMEROY  
SD #110, PORT ANGELES SD #121, PORT  
TOWNSEND SD #50, PRESCOTT SD #402-37,  
PROSSER SD #116, PULLMAN SD #267, PUYALLUP  
SD #3, QUEETS-CLEARWATER SD #20, QUILCENE  
SD #48, QUILLAYUTE VALLEY SD #402, QUINCY SD  
#144-101, RAINIER SD #307, RAYMOND SD #116,  
REARDAN-EDWALL SD #9, RENTON SD #403,  
REPUBLIC SD #309, RICHLAND SD #400,

1 RIDGEFIELD SD #122, RITZVILLE SD #160-67,  
RIVERSIDE SD #416, RIVERVIEW SD #407,  
2 ROCHESTER SD #401, ROSALIA SD #320, ROYAL SD  
#160, SAN JUAN ISLAND SD #149, SEATTLE SD #1,  
3 SEDRO WOOLLEY SD #101, SELAH SD #119,  
SELKIRK SD #70, SEQUIM SD #323, SHELTON SD  
4 #309, SHORELINE SD #412, SKYKOMISH SD #404,  
SNOHOMISH SD #201, SNOQUALMIE VALLEY SD  
5 #410, SOAP LAKE SD #156, SOUTH BEND SD #118,  
SOUTH KITSAP SD #402, SOUTH WHIDBEY SD #206,  
6 SOUTHSIDE SD #42, SPOKANE SD #81, SPRAGUE SD  
#8, STANWOOD-CAMANO SD #401, STEILACOOM  
7 HISTORICAL SD #1, STEVENSON-CARSON SD #303,  
SULTAN SD #311, SUMNER-BONNEY LAKE SD #320,  
8 SUNNYSIDE SD #201, TACOMA SD #10, TAHOLAH  
SD #77, TAHOMA SD #409, TEKOA SD #265, TENINO  
9 SD #402, THORP SD #400, TOLEDO SD #237,  
TONASKET SD #404, TOPPENISH SD #202, TOUCHET  
10 SD #300, TOUTLE LAKE SD #130, TROUT LAKE SD  
#R-400, TUKWILA SD #406, TUMWATER SD #33,  
11 UNION GAP SD #2, UNIVERSITY PLACE SD #83,  
VALLEY SD #070, VANCOUVER SD #37, VASHON  
12 ISLAND SD #402, WAHAKIAKUM SD #200, WAHLUKE  
SD #73, WAITSBURG SD #401, WALLA WALLA SD  
13 #140, WAPATO SD #207, WARDEN SD #146-161,  
WASHOUGAL SD #112-6, WASHTUCNA SD #109-43,  
14 WATERVILLE SD #209, WELLPINIT SD #49,  
WENATCHEE SD #246, WEST VALLEY (SPOK) #363,  
15 WEST VALLEY (YAK) SD #208, WHITE PASS SD  
#303, WHITE RIVER SD #416, WHITE SALMON SD  
16 #405, WILBUR SD #200, WILLAPA VALLEY SD #160,  
WILSON CREEK SD #167-202, WINLOCK SD #232,  
17 WISHKAH VALLEY SD #117, WISHRAM SD #94,  
WOODLAND SD #404, YAKIMA SD #7, YELM SD #2,  
18 ZILLAH SD #205, SEATTLE PUBLIC SCHOOLS FOR  
LOCAL 609, WA STATE PRINTER, KING COUNTY,  
19 PIERCE COUNTY, CITIES OF SEATTLE, TACOMA,  
AUBURN, KENT, REDMOND, BLACK DIAMOND,  
20 LAKEWOOD, LAKE FOREST PARK, PACIFIC,  
WOODINVILLE, GIG HARBOR, BRIER, BLACK  
21 DIAMOND, SEATTLE HOUSING AUTHORITY,  
SCORE, TACOMA-PIERCE COUNTY HEALTH  
22 DEPARTMENT, TACOMA-PIERCE COUNTY HUMANE  
SOCIETY, TOWN OF STEILACOOM, WASHINGTON

1 STATE CONVENTION CENTER, WATER DISTRICT  
2 125, WOODLAND PARK ZOO, SNOHOMISH COUNTY  
3 PUD, AND KING COUNTY HOUSING AUTHORITY

4 Defendants.

5 **TO:** ESD #101, ESD #112, Puget sound ESD 121(Renton), Aberdeen SD #5, Adna SD  
6 #226, Almira SD #17, Anacortes SD #103, Arlington SD #16, Asotin-Anatone SD  
7 #420, Auburn SD #408, Bainbridge Island SD #303, Battle Ground SD #119,  
8 Bellevue SD #405, Bellingham SD #501, Bethel SD #403, Blaine SD #503, Bremerton  
9 SD #100-C, Brewster SD #111, Bridgeport SD #75, Brinnon SD #46, Burlington  
10 Edison SD #100, Camas SD #117, Cape Flattery SD #401, Cascade SD #228,  
11 Cashmere SD #222, Castle Rock SD #401, Centerville SD #215, Central Kitsap SD  
12 #401, Central Valley SD #356, Centralia SD #401, Chehalis SD #302, Cheney SD  
13 #360, Chewelah SD #36, Chimacum SD #49, Clarkston SD #j 250-185, Cle Elum-  
14 Roslyn SD #404, Clover Park SD #400, Colfax SD #300, College Place SD #250,  
15 Colton SD #306, Columbia (Stevens) SD #206, Columbia (Walla Walla) SD #400,  
16 Colville SD #115, Concrete SD #11, Conway SD #317, Cosmopolis SD #99,  
17 Coupeville SD #204, Crescent SD #313, Creston SD #073, Cusick SD #59, Damman  
18 SD #7, Darrington SD #330, Davenport SD #207, Dayton SD #2, Deer Park SD #414,  
19 Dieringer SD #343, East Valley Spokane SD #361, East Valley Yakima SD #90,  
20 Eastmont SD #206, Easton SD #28, Eatonville SD #404, Edmonds SD #15,  
21 Ellensburg SD #401, Elma SD #68, Endicott SD #308, Entiat SD #127, Enumclaw SD  
22 #216, Ephrata SD #165, Everett SD #2, Evergreen (Clark) SD #114, Evergreen  
(Stevens) SD #205, Federal Way SD #210, Ferndale SD #502, Fife SD #417, Finley  
SD #53, Franklin Pierce SD #402, Freeman SD #358, Garfield SD #302, Goldendale  
SD #404, Glenwood SD, Grand Coulee Dam SD #301J, Grandview SD #116-200,  
Granger SD #204, Granite Falls SD #332, Grapeview SD #54, Great Northern SD  
SD #312, Green Mountain SD #103, Griffin SD #324, Harrington SD #204, Highland SD  
SD #203, Highline SD #401, Hockinson SD #98, Hood Canal SD #404, Hoquiam SD #28,  
Inchelium SD #70, Issaquah SD #411, Kahlotus SD #56, Kalama SD #402, Keller SD  
SD #3, Kelso SD #458, Kennewick SD #17, Kent SD #415, Kettle Falls SD #212, Kiona  
Benton SD #52, Kittitas SD #403, Klickitat SD #402, KWRL Coop, La Center SD  
SD #101, La Conner SD #311, Lacrosse SD #126, Lake Chelan SD #129, Lake Quinault  
SD #97, Lake Stevens SD #4, Lake Washington SD #414, Lakewood SD #306,  
Lamont SD #264, Liberty SD #362, Lind SD #158, Longview SD #122, Loon Lake  
SD #183, Lopez Island SD #144, Lyle SD #406, Lynden SD #504, Mabton SD #120,  
Mansfield SD #207, Manson SD #19, Mary M Knight SD #311, Mary Walker SD  
SD #207, Marysville SD #25, McCleary SD #65, Mead SD #354, Medical Lake SD #326,  
Mercer Island SD #400, Meridian SD #505, Methow Valley SD #350, Mill A SD,  
Monroe SD #103, Montesano SD #66, Morton SD #214, Moses Lake SD #161,  
Mossyrock SD #206, Mount Adams SD #209, Mount Baker SD #507, Mount  
Pleasant SD #29-93, Mount Vernon SD #320, Mukilteo SD #6, Naches Valley SD #3,

1 Napavine SD #14, Naselle Grays River Valley SD #155, Nespelem SD #14, Newport  
2 SD #56-415, Nine Mile Falls SD #325, Nooksack Valley SD #506, North Beach SD  
3 #64, North Franklin SD #J51-162, North Kitsap SD #400, North Mason SD #403,  
4 North River SD #200, North Thurston SD #3, Northport SD #211, Northshore SD  
5 #417, Oak Harbor SD #201, Oakesdale SD #324, Oakville SD #400, Ocean Beach SD  
6 #101, Ocosta SD #172, Odessa SD #105-157-166J, Okanogan SD #105, Olympia SD  
7 #111, Omak SD #19, Onalaska SD #300, Onion Creek SD #30, Orcas Island SD  
8 #137, Orient SD #65, Orondo SD #13, Oroville SD #410, Orting SD #344, Othello SD  
9 #147-163-55, Palouse SD #301, Pasco SD #1, Pateros SD #122, Pe Ell SD #301,  
10 Peninsula SD #401, Pioneer SD #402, Pomeroy SD #110, Port Angeles SD #121, Port  
11 Townsend SD #50, Prescott SD #402-37, Prosser SD #116, Pullman SD #267,  
12 Puyallup SD #3, Queets-Clearwater SD #20, Quilcene SD #48, Quillayute Valley SD  
13 #402, Quincy SD #144-101, Rainier SD #307, Raymond SD #116, Reardan-Edwall  
14 SD #9, Renton SD #403, Republic SD #309, Richland SD #400, Ridgefield SD #122,  
15 Ritzville SD #160-67, Riverside SD #416, Riverview SD #407, Rochester SD #401,  
16 Rosalia SD #320, Royal SD #160, San Juan Island SD #149, Seattle SD #1, Sedro  
17 Woolley SD #101, Selah SD #119, Selkirk SD #70, Sequim SD #323, Shelton SD  
18 #309, Shoreline SD #412, Skykomish SD #404, Snohomish SD #201, Snoqualmie  
19 Valley SD #410, Soap Lake SD #156, South Bend SD #118, South Kitsap SD #402,  
20 South Whidbey SD #206, Southside SD #42, Spokane SD #81, Sprague SD #8, St.  
21 John SD, Stanwood- Camano SD #401, Steilacoom Historical SD #1, Stevenson-  
22 Carson SD #303, Sultan SD #311, Sumner-Bonney Lake SD #320, Sunnyside SD  
#201, Tacoma SD #10, Taholah SD #77, Tahoma SD #409, Tekoa SD #265, Tenino  
SD #402, Thorp SD #400, Toledo SD #237, Tonasket SD #404, Toppenish SD #202,  
Touchet SD #300, Toutle Lake SD #130, Trout Lake SD #R-400, Tukwila SD #406,  
Tumwater SD #33, Union Gap SD #2, University Place SD #83, Valley SD #070,  
Vancouver SD #37, Vashon Island SD #402, Wahkiakum SD #200, Wahluke SD #73,  
Waitsburg SD #401, Walla Walla SD #140, Wapato SD #207, Warden SD #146-161,  
Washougal SD #112-6, Washtucna SD #109-43, Waterville SD #209, Wellpinit SD  
#49, Wenatchee SD #246, West Valley (Spokane) #363, West Valley (Yakima) SD  
#208, White Pass SD #303, White River SD #416, White Salmon SD #405, Wilbur  
SD #200, Willapa Valley SD #160, Wilson Creek SD #167-202, Winlock SD #232,  
Wishkah Valley SD #117, Wishram SD #94, Woodland SD #404, Yakima SD #7,  
Yelm SD #2, Zillah SD #205, Lake Washington Institute of Technology, Clover Park  
Technical College, WA State Printer, King County, Pierce County, Cities of Seattle,  
Tacoma, Auburn, Kent, Redmond, Black Diamond, Lakewood, Lake Forest Park,  
Pacific, Woodinville, Gig Harbor, Brier, Seattle Housing Authority, SCORE, Tacoma-  
Pierce County Health Department, Tacoma-Pierce County Humane Society, Town of  
Steilacoom, Washington State Convention Center, Water District 125, Woodland Park  
Zoo, Snohomish County PUD, and King County Housing Authority.

1 A lawsuit has been started against you in the above-entitled court by the Plaintiffs named  
2 above. Plaintiffs' claim is stated in the written complaint, a copy of which is served upon you with  
3 this summons.

4 In order to defend against this lawsuit, you must respond to the complaint by stating your  
5 defense in writing, and by serving a copy upon the person signing this summons within 20 days after  
6 the service of this summons, excluding the day of service (or if served upon you out of the State of  
7 Washington, then within 60 days after service), or a default judgment may be entered against you  
8 without notice. A default judgment is one where Plaintiffs are entitled to what they ask for because you  
9 have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to  
10 notice before a default judgment may be entered.

11 You may demand that the Plaintiffs file this lawsuit with the court. If you do so, the demand  
12 must be in writing and must be served upon the person signing this summons. Within 14 days after you  
13 serve the demand, the Plaintiffs must file this lawsuit with the court, or the service on you of this  
14 summons and complaint will be void.

15 If you wish to seek the advice of an attorney in this matter, you should do so promptly so that  
16 your written response, if any, may be served on time.

17 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of  
18 Washington.

19 DATED: January 9, 2020

20 

21 Kathleen P. Barnard, WSBA #17896  
22 Melissa Greenberg, WSBA #54132  
Barnard Iglitzin & Lavitt LLP  
18 W Mercer Street, Suite 400  
Seattle, WA 98119  
(206) 257-6002 Fax (206) 257-6037  
*barnard@workerlaw.com*  
*greenberg@workerlaw.com*

Edward Earl Younglove III, WSBA #5873  
YOUNGLOVE & COKER, P.L.L.C.  
1800 Cooper Point Rd SW # 16,  
Olympia, WA 98502  
*edy@ylclaw.com*

*Attorneys for Plaintiffs*

1  **EXPEDITE**

2  No Hearing is set

3  Hearing is set:

4 Date: January 17, 2020

5 Time: 9:00 a.m.

6 Judge/Calendar: Skinder – Civil Mot Calendar

7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**  
8 **IN AND FOR THURSTON COUNTY**

9 WASHINGTON FEDERATION OF STATE  
10 EMPLOYEES, COUNCIL 28; AMERICAN  
11 FEDERATION OF STATE COUNTY AND MUNICIPAL  
12 EMPLOYEES; WASHINGTON PUBLIC EMPLOYEES  
13 ASSOCIATION, UFCW LOCAL 365;  
14 INTERNATIONAL BROTHERHOOD OF TEAMSTERS,  
15 LOCAL 117; SERVICE EMPLOYEES  
16 INTERNATIONAL UNION, LOCAL 925;  
17 WASHINGTON EDUCATION ASSOCIATION;  
18 AMERICAN FEDERATION OF TEACHERS  
19 WASHINGTON; PUBLIC SCHOOL EMPLOYEES OF  
20 WASHINGTON, SEIU LOCAL 1948; WASHINGTON  
21 NURSES ASSOCIATION, UNITED FOOD AND  
22 COMMERCIAL WORKERS, LOCAL 21, UNIVERSITY  
OF WASHINGTON HOUSESTAFF ASSOCIATION,  
AMALGAMATED TRANSIT UNION LEGISLATIVE  
COUNCIL OF WA, PROTEC 17, INTERNATIONAL  
OPERATING ENGINEERS 609, INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL WORKERS,  
LOCAL 483, UNITED ASSOCIATION OF PLUMBERS  
& PIPEFITTERS, LOCAL 32, INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL WORKERS,  
LOCAL 76, INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, LOCAL 77, and SEATTLE  
BUILDING AND CONSTRUCTION TRADES  
COUNCIL, labor organizations

Plaintiffs,

v.

NO. 19-2-06100-34

SECOND AMENDED COMPLAINT  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF

1 STATE OF WASHINGTON; OFFICE OF FINANCIAL  
2 MANAGEMENT; DEPARTMENT OF RETIREMENT  
3 SYSTEMS; and FREEDOM FOUNDATION,  
4 DEPARTMENT OF AGRICULTURE; ARTS  
5 COMMISSION; BLIND SERVICES; BLIND, SCHOOL;  
6 CENTER FOR CHILDHOOD DEAFNESS AND  
7 HEARING LOSS; COMMERCE; CORRECTIONS;  
8 CRIMINAL JUSTICE TRAINING COMMISSION;  
9 CONSOLIDATED TECHNOLOGY SERVICES;  
10 DEPARTMENT OF ENTERPRISE SERVICES;  
11 DEPARTMENT OF FISH & WILDLIFE; DEPARTMENT  
12 OF SOCIAL AND SERVICES; DEPARTMENT OF  
13 CHILDREN YOUTH & FAMILIES; DEPARTMENT OF  
14 ECOLOGY; EMPLOYMENT SECURITY  
15 DEPARTMENT; HEALTH; HEALTH CARE  
16 AUTHORITY; HORSE RACING COMMISSION;  
17 HUMAN RIGHTS COMMISSION; INDUSTRIAL  
18 APPEALS; OFFICE OF THE INSURANCE  
19 COMMISSIONER; DEPARTMENT OF LABOR AND  
20 INDUSTRIES; LIQUOR CONTROL BOARD;  
21 DEPARTMENT OF LICENSING; WASHINGTON'S  
22 LOTTERY; MILITARY DEPARTMENT;  
DEPARTMENT OF NATURAL RESOURCES; OFFICE  
OF ADMINISTRATIVE HEARINGS; OFFICE OF  
MINORITY WOMEN'S BUSINESS ENTERPRISES;  
RECREATION AND CONSERVATION OFFICE;  
PARKS; SECRETARY OF STATE; STATE PATROL;  
TRANSPORTATION; UTILITIES AND  
TRANSPORTATION COMMISSION; VETERANS  
AFFAIRS; AND WORKFORCE TRAINING AND  
EDUCATION COORDINATING BOARD.  
DEPARTMENT OF REVENUE; LIQUOR AND  
CANNABIS CONTROL BOARD; OFFICE OF THE  
ATTORNEY GENERAL; UNIVERSITY OF  
WASHINGTON; UW PHYSICIANS, UNIVERSITY OF  
WASHINGTON POLICE; WASHINGTON STATE  
UNIVERSITY; WESTERN WASHINGTON  
UNIVERSITY; EASTERN WASHINGTON  
UNIVERSITY; CENTRAL WASHINGTON  
UNIVERSITY; THE EVERGREEN STATE COLLEGE;  
BELLEVUE COLLEGE; CENTRALIA COLLEGE;  
EVERETT COMMUNITY COLLEGE; GREEN RIVER  
COMMUNITY COLLEGE; LOWER COLUMBIA  
COLLEGE; PENINSULA COLLEGE; SEATTLE

1 COLLEGES DISTRICT; SHORELINE COMMUNITY  
2 COLLEGE; SOUTH PUGET SOUND COMMUNITY  
3 COLLEGE; COMMUNITY COLLEGES OF SPOKANE;  
4 TACOMA COMMUNITY COLLEGE; AND WHATCOM  
5 COMMUNITY COLLEGE; BELLEVUE COLLEGE; BIG  
6 BEND COMMUNITY COLLEGE; CASCADIA  
7 COLLEGE; CLARK COLLEGE; COLUMBIA BASIN  
8 COLLEGE; EDMONDS COMMUNITY COLLEGE;  
9 GRAYS HARBOR; HIGHLINE COLLEGE; OLYMPIC  
10 COLLEGE; PIERCE COLLEGE; SKAGIT VALLEY  
11 COLLEGE; TACOMA COMMUNITY COLLEGE;  
12 WALLA WALLA COMMUNITY COLLEGE;  
13 WENATCHEE VALLEY COLLEGE; YAKIMA VALLEY  
14 COLLEGE; RENTON TECHNICAL COLLEGE;  
15 DEPARTMENT OF CORRECTIONS; WASHINGTON  
16 STATE FERRIES; DEPARTMENT OF ENTERPRISE  
17 SERVICES, BATES TECHNICAL COLLEGE AND  
18 BELLINGHAM TECHNICAL COLLEGE; KITSAP  
19 REGIONAL LIBRARY; C-TRAN, INTERCITY  
20 TRANSIT; PIERCE TRANSIT; EVERETT TRANSIT;  
21 WHATCOM TRANSIT; SPOKANE TRANSIT; ARBOR  
22 HEALTH, MORTON HOSPITAL; BENTON FRANKLIN  
HEALTH DISTRICT; CASCADE MEDICAL CENTER;  
EVERGREEN HEALTH; GRAYS HARBOR  
COMMUNITY HOSPITAL; ISLAND HOSPITAL;  
KITITAS VALLEY HEALTHCARE; OCEAN BEACH  
HOSPITAL; PULLMAN REGIONAL HOSPITAL;  
SEATTLE & KING COUNTY PUBLIC HEALTH  
DISTRICT; SKAGIT REGIONAL HEALTH; SKYLINE  
HOSPITAL; SNOHOMISH HEALTH DISTRICT;  
SPOKANE REGIONAL HEALTH DISTRICT; SPOKANE  
VETERANS HOME; UW MEDICINE – UNIVERSITY OF  
WASHINGTON MEDICAL CENTER; WALLA WALLA  
VETERANS HOME; WASHINGTON SOLDIERS HOME;  
WASHINGTON VETERANS HOME; WHATCOM  
COUNTY HEALTH DEPARTMENT; WHIDBEY  
HEALTH, LAKE WASHINGTON INSTITUTE OF  
TECHNOLOGY, CLOVER PARK TECHNICAL  
COLLEGE, the following school districts: ESD #101, ESD  
#112, PUGET SOUND ESD 121(RENTON), ABERDEEN  
SD #5, ADNA SD #226, ALMIRA SD #17, ANACORTES  
SD #103, ARLINGTON SD #16, ASOTIN-ANATONE  
SD #420, AUBURN SD #408, BAINBRIDGE ISLAND  
SD #303, BATTLE GROUND SD #119, BELLEVUE SD



1 #405, BELLINGHAM SD #501, BETHEL SD #403,  
2 BLAINE SD #503, BREMERTON SD #100-C,  
3 BREWSTER SD #111, BRIDGEPORT SD #75,  
4 BRINNON SD #46, BURLINGTON EDISON SD #100,  
5 CAMAS SD #117, CAPE FLATTERY SD #401,  
6 CASCADE SD #228, CASHMERE SD #222, CASTLE  
7 ROCK SD #401, CENTERVILLE SD #215, CENTRAL  
8 KITSAP SD #401, CENTRAL VALLEY SD #356,  
9 CENTRALIA SD #401, CHEHALIS SD #302, CHENEY  
10 SD #360, CHEWELAH SD #36, CHIMACUM SD #49,  
11 CLARKSTON SD #J 250-185, CLE ELUM-ROSLYN SD  
12 #404, CLOVER PARK SD #400, COLFAX SD #300,  
13 COLLEGE PLACE SD #250, COLTON SD #306,  
14 COLUMBIA (STEV) SD #206, COLUMBIA (WALLA)  
15 SD #400, COLVILLE SD #115, CONCRETE SD #11,  
16 CONWAY SD #317, COSMOPOLIS SD #99,  
17 COUPEVILLE SD #204, CRESCENT SD #313  
18 CRESTON SD #073, CUSICK SD #59, DAMMAN SD  
19 #7, DARRINGTON SD #330, DAVENPORT SD #207,  
20 DAYTON SD #2, DEER PARK SD #414, DIERINGER  
21 SD #343, EAST VALLEY SPOKANE SD #361, EAST  
22 VALLEY YAKIMA SD #90, EASTMONT SD #206,  
EASTON SD #28, EATONVILLE SD #404, EDMONDS  
SD #15, ELLENSBURG SD #401, ELMA SD #68,  
ENDICOTT SD #308, ENTIAT SD #127, ENUMCLAW  
SD #216, EPHRATA SD #165, EVERETT SD #2,  
EVERGREEN (CLARK) SD #114, EVERGREEN  
(STEVENS) SD #205, FEDERAL WAY SD #210,  
FERNDAL SD #502, FIFE SD #417, FINLEY SD #53,  
FRANKLIN PIERCE SD #402, FREEMAN SD #358,  
GARFIELD SD #302, GOLDENDALE SD #404, GRAND  
COULEE DAM SD #301J, GRANDVIEW SD #116-200,  
GRANGER SD #204, GRANITE FALLS SD #332,  
GRAPEVIEW SD #54, GREAT NORTHERN SD #312,  
GREEN MOUNTAIN SD #103, GRIFFIN SD #324,  
HARRINGTON SD #204, HIGHLAND SD #203,  
HIGHLINE SD #401, HOCKINSON SD #98, HOOD  
CANAL SD #404, HOQUIAM SD #28, INCHELIUM SD  
#70, ISSAQUAH SD #411, KAHLOTUS SD #56,  
KALAMA SD #402, KELLER SD #3, KELSO SD #458,  
KENNEWICK SD #17, KENT SD #415, KETTLE FALLS  
SD #212, KIONA BENTON SD #52, KITTITAS SD #403,  
KLUCKITAT SD #402, LA CENTER SD #101, LA  
CONNER SD #311, LACROSSE SD #126, LAKE

1 CHELAN SD #129, LAKE QUINAULT SD #97, LAKE  
2 STEVENS SD #4, LAKE WASHINGTON SD #414,  
3 LAKEWOOD SD #306, LAMONT SD #264, LIBERTY  
4 SD #362, LIND SD #158, LONGVIEW SD #122, LOON  
5 LAKE SD #183, LOPEZ ISLAND SD #144, LYLE SD  
6 #406, LYNDEN SD #504, MABTON SD #120,  
7 MANSFIELD SD #207, MANSON SD #19, MARY M  
8 KNIGHT SD #311, MARY WALKER SD #207,  
9 MARYSVILLE SD #25, MC CLEARY SD #65, MEAD  
10 SD #354, MEDICAL LAKE SD #326, MERCER ISLAND  
11 SD #400, MERIDIAN SD #505, METHOW VALLEY SD  
12 #350, MONROE SD #103, MONTESANO SD #66,  
13 MORTON SD #214, MOSES LAKE SD #161,  
14 MOSSYROCK SD #206, MOUNT ADAMS SD #209,  
15 MOUNT BAKER SD #507, MOUNT PLEASANT SD  
16 #29-93, MOUNT VERNON SD #320, MUKILTEO SD  
17 #6, NACHES VALLEY SD #3, NAPAVINE SD #14,  
18 NASELLE GRAYS RIVER VALLEY SD #155,  
19 NESPELEM SD #14, NEWPORT SD #56-415, NINE  
20 MILE FALLS SD #325, NOOKSACK VALLEY SD #506,  
21 NORTH BEACH SD #64, NORTH FRANKLIN SD #J51-  
22 162, NORTH KITSAP SD #400, NORTH MASON SD  
#403, NORTH RIVER SD #200, NORTH THURSTON  
SD #3, NORTHPORT SD #211, NORTHSHORE SD  
#417, OAK HARBOR SD #201, OAKESDALE SD #324,  
OAKVILLE SD #400, OCEAN BEACH SD #101,  
OCOSTA SD #172, ODESSA SD #105-157-166J,  
OKANOGAN SD #105, OLYMPIA SD #111, OMAK SD  
#19, ONALASKA SD #300, ONION CREEK SD #30,  
ORCAS ISLAND SD #137, ORIENT SD #65, ORONDO  
SD #13, OROVILLE SD #410, ORTING SD #344,  
OTHELLO SD #147-163-55, PALOUSE SD #301,  
PASCO SD #1, PATEROS SD #122, PE ELL SD #301,  
PENINSULA SD #401, PIONEER SD #402, POMEROY  
SD #110, PORT ANGELES SD #121, PORT  
TOWNSEND SD #50, PRESCOTT SD #402-37,  
PROSSER SD #116, PULLMAN SD #267, PUYALLUP  
SD #3, QUEETS-CLEARWATER SD #20, QUILCENE  
SD #48, QUILLAYUTE VALLEY SD #402, QUINCY SD  
#144-101, RAINIER SD #307, RAYMOND SD #116,  
REARDAN-EDWALL SD #9, RENTON SD #403,  
REPUBLIC SD #309, RICHLAND SD #400,  
RIDGEFIELD SD #122, RITZVILLE SD #160-67,  
RIVERSIDE SD #416, RIVERVIEW SD #407,

1 ROCHESTER SD #401, ROSALIA SD #320, ROYAL SD  
2 #160, SAN JUAN ISLAND SD #149, SEATTLE SD #1,  
3 SEDRO WOOLLEY SD #101, SELAH SD #119,  
4 SELKIRK SD #70, SEQUIM SD #323, SHELTON SD  
5 #309, SHORELINE SD #412, SKYKOMISH SD #404,  
6 SNOHOMISH SD #201, SNOQUALMIE VALLEY SD  
7 #410, SOAP LAKE SD #156, SOUTH BEND SD #118,  
8 SOUTH KITSAP SD #402, SOUTH WHIDBEY SD #206,  
9 SOUTHSIDE SD #42, SPOKANE SD #81, SPRAGUE SD  
10 #8, STANWOOD-CAMANO SD #401, STEILACOOM  
11 HISTORICAL SD #1, STEVENSON-CARSON SD #303,  
12 SULTAN SD #311, SUMNER-BONNEY LAKE SD #320,  
13 SUNNYSIDE SD #201, TACOMA SD #10, TAHOLAH  
14 SD #77, TAHOMA SD #409, TEKOA SD #265, TENINO  
15 SD #402, THORP SD #400, TOLEDO SD #237,  
16 TONASKET SD #404, TOPPENISH SD #202, TOUCHET  
17 SD #300, TOUTLE LAKE SD #130, TROUT LAKE SD  
18 #R-400, TUKWILA SD #406, TUMWATER SD #33,  
19 UNION GAP SD #2, UNIVERSITY PLACE SD #83,  
20 VALLEY SD #070, VANCOUVER SD #37, VASHON  
21 ISLAND SD #402, WAHAKIYAKUM SD #200, WAHLUKE  
22 SD #73, WAITSBURG SD #401, WALLA WALLA SD  
#140, WAPATO SD #207, WARDEN SD #146-161,  
WASHOUGAL SD #112-6, WASHTUCNA SD #109-43,  
WATERVILLE SD #209, WELLPINIT SD #49,  
WENATCHEE SD #246, WEST VALLEY (SPOK) #363,  
WEST VALLEY (YAK) SD #208, WHITE PASS SD  
#303, WHITE RIVER SD #416, WHITE SALMON SD  
#405, WILBUR SD #200, WILLAPA VALLEY SD #160,  
WILSON CREEK SD #167-202, WINLOCK SD #232,  
WISHKAH VALLEY SD #117, WISHRAM SD #94,  
WOODLAND SD #404, YAKIMA SD #7, YELM SD #2,  
ZILLAH SD #205, SEATTLE PUBLIC SCHOOLS FOR  
LOCAL 609, WA STATE PRINTER, KING COUNTY,  
PIERCE COUNTY, CITIES OF SEATTLE, TACOMA,  
AUBURN, KENT, REDMOND, BLACK DIAMOND,  
LAKEWOOD, LAKE FOREST PARK, PACIFIC,  
WOODINVILLE, GIG HARBOR, BRIER, BLACK  
DIAMOND, SEATTLE HOUSING AUTHORITY,  
SCORE, TACOMA-PIERCE COUNTY HEALTH  
DEPARTMENT, TACOMA-PIERCE COUNTY HUMANE  
SOCIETY, TOWN OF STEILACOOM, WASHINGTON  
STATE CONVENTION CENTER, WATER DISTRICT  
125, WOODLAND PARK ZOO, SNOHOMISH COUNTY

1 PUD, AND KING COUNTY HOUSING AUTHORITY

2 Defendants.

3 COME NOW the Plaintiffs, Washington Federation of State Employees, Council 28 American  
4 Federation of State County and Municipal Employees (WFSE), Washington Public Employees  
5 Association, UFCW Local 365 (WPEA); International Brotherhood of Teamsters, Local 117, and Service  
6 Employees International Union, Local 925 (SEIU 925), Washington Education Association; American  
7 Federation Of Teachers Washington; Public School Employees Of Washington, SEIU local 1948 (PSE);  
8 Washington Nurses Association (WSNA), United Food And Commercial Workers, Local 21, University  
9 Of Washington Housestaff Association (UWHA), Amalgamated Transit Union Legislative Council Of  
10 Washington (ATULC), Public School Employees of Washington, SEIU Local 1948 (PSE) and  
11 International Union of Operating Engineers, and Local 609 (IUOE 609), International Brotherhood of  
12 Electrical Workers, Locals 483, 76 and 77 and United Association of Plumbers & Pipefitters, Local  
13 32 and Seattle Building and Construction Trades Council, (referred to collectively hereinafter as “the  
14 Unions”), and for causes of action against the Defendants show the Court as follows:

15 **PARTIES**

16 1. The plaintiff Unions are labor organizations that represent employees in bargaining units  
17 employed by the defendant State of Washington in most state agencies and institutions.

18 2. Plaintiff WFSE is a labor organization that represents employees in bargaining units  
19 employed by the State of Washington with the following State agencies: Agriculture; Arts Commission;  
20 Blind Services; Blind, School; Center for Childhood Deafness and Hearing Loss; Commerce;  
21 Corrections; Criminal Justice Training Commission (CJTC); Consolidated Technology Services (CTS);  
22 Department of Enterprise Services (DES); Department of Fish & Wildlife (DFW); Department of Social

1 and Services (DSHS); Department of Children Youth & Families; Department of Ecology; Employment  
2 Security Department (ESD); Health; Health Care Authority; Horse Racing Commission; Human Rights  
3 Commission (HRC); Industrial Appeals; Insurance Commission; Department of Labor and Industries  
4 (L&I); Liquor Control Board (LCB); Licensing; Lottery; Military; Natural Resources; Office of  
5 Administrative Hearings (OAH); Office of Minority Women's Business Enterprises (OMWBE);  
6 Recreation and Conservation Office; Parks; Secretary of State; State Patrol; Transportation; Utilities and  
7 Transportation Commission (UTC); Veterans Affairs; Workforce Training and Education Coordinating  
8 Board (WTECB ); and Office of the Attorney General; and the following higher education institutions,  
9 University of Washington; Washington State University; Western Washington University; Eastern  
10 Washington University; Central Washington University; The Evergreen State College; Bellevue College;  
11 Centralia College; Everett Community College; Green River Community College; Lower Columbia  
12 College; Peninsula College; Seattle Colleges District; Shoreline Community College; South Puget Sound  
13 Community College; Community Colleges of Spokane; Tacoma Community College; Whatcom  
14 Community College; and Renton Technical College.

15 3. Plaintiff WPEA is a labor organization which represents state employees employed by  
16 various agencies of the State, including the Department of Agriculture; the Liquor and Cannabis Control  
17 Board; the Department of Licensing, the Military Department; the Department of Natural Resources; the  
18 Department of Revenue; The School for the Blind; the School for the Deaf; the Washington State Patrol;  
19 Bellevue College; Big Bend Community College; Cascadia College; Clark College; Columbia Basin  
20 College; Edmonds Community College; Grays Harbor; Highline College; Olympic College; Pierce  
21 College; Skagit Valley College; Tacoma Community College; Walla Walla Community College;  
22 Wenatchee Valley College and Yakima Valley College. Most of these colleges have the Office of

1 Financial Management (“OFM”) as their agent for collective bargaining. WPEA also represents  
2 employees at Kitsap Regional Library.

3 4. Plaintiff International Brotherhood of Teamsters, Local 117 (Teamsters 117) represents  
4 employees at the Department of Corrections; Washington State Ferries; and the Department Of Enterprise  
5 Services, WA State Printer, King County, Pierce County, Cities of Seattle, Tacoma, Auburn, Kent,  
6 Redmond, Black Diamond, Lakewood, Lake Forest Park, Pacific, Woodinville, Gig Harbor, Brier,  
7 Seattle Housing Authority, SCORE, Tacoma-Pierce County Health Department, Tacoma-Pierce County  
8 Humane Society, Town of Steilacoom, Washington State Convention Center, Water District 125,  
9 Woodland Park Zoo, and in other public entities whose employees’ information will be reported by DRS  
10 if not enjoined as prayed for herein.

11 5. Plaintiff Service Employees International Union, Local 925 (SEIU 925) represents  
12 employees at the State of Washington (Early Learning) the University of Washington, and in other public  
13 entities, King County DPD, King County ICS, King County FMD, King County Parks, King County  
14 Wastewater, Bellingham Housing Authority, Skagit 911, UW Physicians and 30 defendant school  
15 districts, and all these employees’ information will be reported by Department of Retirement Systems if  
16 not enjoined as prayed for herein.

17 6. Plaintiff Washington Education Association (WEA) is a labor organization that represents  
18 approximately 93,000 employees employed at the 13 Community and Technical Colleges, 4 four-year  
19 colleges, 3 Educational Service Districts, and 272 K-12 School Districts in Washington State. At these  
20 public institutions, WEA represents at least 2,216 community college faculty, 1,172 four-year college  
21 faculty, 74,078 certificated employees, and 15,739 classified school employees. WEA is a labor  
22 organization that represents State employees employed by various agencies of the State, including the

1 Bates Technical College, Bellevue College; Bellingham Technical College, Big Bend Community  
2 College; Central Washington University; Clark College; Columbia Basin College; Community Colleges  
3 of Spokane; Eastern Washington University, Evergreen State College; Green River Community College;  
4 Highline Community College; Lower Columbia College; Olympic College; Pierce College; Walla Walla  
5 Community College; Wenatchee Valley College; and Western Washington University – Bellingham.

6 7. American Federation of Teachers, Washington (AFT) represents approximately 7000  
7 employees of the State of Washington employed by educational institutions such as Everett Community  
8 College, Clover Park Technical College, Renton Technical College, Lake Washington Technical College,  
9 Bates Technical College, Seattle Colleges, Cascadia Community College, Centralia Community College,  
10 Edmunds Community College, Grays Harbor Community College, Green River Community College,  
11 Peninsula Community College, Pierce College, South Puget Sound Community College, Shoreline  
12 Community College, Skagit Valley College, Tacoma Community College, Whatcom Community  
13 College, Yakima Valley College, Central Washington University, Easter Washington University,  
14 Evergreen State College, Western Washington University, University of Washington, Educational  
15 Services District 113, Everett School District, Issaquah School District, Kent School District, Renton  
16 School District, Northshore School District, Sno-Isle Technical School District, Lake Washington  
17 Institute of Technology and Clover Park Technical College, and the Tacoma School District.

18 8. PROTEC 17 represents approximately 2000 members working in the Department of  
19 Transportation, State Patrol and Department of Licensing.

20 9. Amalgamated Transit Union Legislative Council of WA (ATULC) represents more than  
21 6,000 employees of the State of Washington employed by government agencies and institutions such as  
22

1 C-Tran, Intercity Transit, Pierce Transit, King County Metro, Community Transit, Everett Transit,  
2 Whatcom Transit, Spokane Transit, et al.

3 10. Public School Employees of Washington, SEIU Local 1948 (PSE) represents  
4 approximately 30,000 public employees in public K-12 schools and in higher education.

5 11. University of Washington Housestaff Association represents approximately 1400  
6 residents/fellows employed by University of Washington Medicine.

7 12. United Food and Commercial Workers Union, Local 21 represents public employees  
8 working at Evergreen Health Medical Center Kirkland, Jefferson Healthcare; Grays Harbor Hospital;  
9 Mason General Hospital; North Valley Hospital; Evergreen Health Medical Center Monroe; Ferry  
10 County Memorial Hospital; Forks Community Hospital; Jefferson County Court House; Mid Valley  
11 Hospital; North Mason School District; Okanogan Douglas County Hospital; Olympic Medical  
12 Center; Samaritan Healthcare; Skagit Regional Health; Sequim School District; Valley Medical  
13 Center; Whidbey Health Medical Center; Willapa Harbor Hospital

14 13. Washington State Nurses Association represents approximately 4800 public employees who  
15 work at Arbor Health, Morton Hospital, Benton Franklin Health District, Cascade Medical Center,  
16 Evergreen Health, Grays Harbor Community Hospital, Island Hospital, Kittitas Valley Healthcare,  
17 Ocean Beach Hospital. Pullman Regional Hospital, Seattle & King County Public Health, Skagit  
18 Regional Health, Skyline Hospital, Snohomish Health District, Spokane Regional Health District,  
19 Spokane Veterans Home, UW Medicine – University of Washington Medical Center, Walla Walla  
20 Veterans Home, Washington Soldiers Home, Washington Veterans Home, Whatcom County Health  
21 Department and Whidbey Health.

22 14. IUOE Local 609 represents approximately 1000 employees of Seattle Public Schools.



1           15.     International Brotherhood of Electrical Workers, Local 483 represents employees of the  
2 City of Tacoma.

3           16.     United Association of Plumbers & Pipefitters, Local 32 represents employees at the  
4 Department of Labor and Industries.

5           17.     International Brotherhood of Electrical Workers, Local 76 represents employees at the  
6 Department of Labor and Industries.

7           18.     International Brotherhood of Electrical Workers, Local 77 represents employees of  
8 Snohomish County Public Utility District.

9           19.     Seattle Building and Construction Trades Council represents employees of Seattle  
10 Housing Authority, King County Housing Authority and Seattle Public Schools.

11          20.     Defendant Freedom Foundation is a political organization dedicated to opposing public  
12 employee rights to organize that are guaranteed by various state statues including RCW chs. 41.05, 41.80  
13 and 41.56 and is the requestor, under RCW 42.56 (the Public Records Act or "PRA"), of certain  
14 information from documents maintained by OFM and DRS.

15          21.     Defendants OFM and Department of Retirement Systems ("DRS") are state agencies that  
16 maintain records containing personal, private and highly confidential information regarding state  
17 employees represented by plaintiff Unions.

18          22.     Defendants Department Of Agriculture; Arts Commission; Blind Services; Blind,  
19 School; Center For Childhood Deafness And Hearing Loss; Commerce; Corrections; Criminal Justice  
20 Training Commission, College; Pierce College; Skagit Valley College; Tacoma Community College;  
21 Walla Walla Community College; Wenatchee Valley College; Yakima Valley College; Renton Technical  
22 College; Department Of Corrections; Washington State Ferries; And Department Of Enterprise Services,

1 Bates Technical College And Bellingham Technical College; Kitsap Regional Library; University Of  
2 Washington Police are Washington State employers various of the plaintiff Unions.

3 23. Kitsap Regional Library; C-Tran, Intercity Transit; Pierce Transit; Everett Transit;  
4 Whatcom Transit; Spokane Transit; Arbor Health, Morton Hospital; Benton Franklin Health District,  
5 Cascade Medical Center, Evergreen Health, Grays Harbor Community Hospital, Island Hospital, Kittitas  
6 Valley Healthcare, Ocean Beach Hospital, Pullman Regional Hospital, Seattle & King County Public  
7 Health, Skagit Regional Health, Skyline Hospital, Snohomish Health District, Spokane Regional Health  
8 District, Spokane Veterans Home, Walla Walla Veterans Home, Washington Soldiers Home, Washington  
9 Veterans Home, Whatcom County Health Department AND Whidbey Health are local government  
10 employers of various of the plaintiff Unions' members.

11 24. Defendants Lake Washington Institute of Technology and Clover Park Technical College  
12 are State of Washington education institutions and the public employers of various plaintiff Union's  
13 members.

14 25. The following Defendant Educational Service Districts and Schools Districts employ  
15 members of various Plaintiff unions: ESD #101, ESD #112, Puget sound ESD 121(Renton),  
16 Aberdeen SD #5, Adna SD #226, Almira SD #17, Anacortes SD #103, Arlington SD #16, Asotin-  
17 Anatone SD #420, Auburn SD #408, Bainbridge Island SD #303, Battle Ground SD #119,  
18 Bellevue SD #405, Bellingham SD #501, Bethel SD #403, Blaine SD #503, Bremerton SD #100-  
19 C, Brewster SD #111, Bridgeport SD #75, Brinnon SD #46, Burlington Edison SD #100, Camas  
20 SD #117, Cape Flattery SD #401, Cascade SD #228, Cashmere SD #222, Castle Rock SD #401,  
21 Centerville SD #215, Central Kitsap SD #401, Central Valley SD #356, Centralia SD #401,  
22 Chehalis SD #302, Cheney SD #360, Chewelah SD #36, Chimacum SD #49, Clarkston SD #j 250-

1 185, Cle Elum-Roslyn SD #404, Clover Park SD #400, Colfax SD #300, College Place SD #250,  
2 Colton SD #306, Columbia (Stevens) SD #206, Columbia (Walla Walla) SD #400, Colville SD  
3 #115, Concrete SD #11, Conway SD #317, Cosmopolis SD #99, Coupeville SD #204, Crescent  
4 SD #313, Creston SD #073, Cusick SD #59, Damman SD #7, Darrington SD #330, Davenport SD  
5 #207, Dayton SD #2, Deer Park SD #414, Dieringer SD #343, East Valley Spokane SD #361, East  
6 Valley Yakima SD #90, Eastmont SD #206, Easton SD #28, Eatonville SD #404, Edmonds SD  
7 #15, Ellensburg SD #401, Elma SD #68, Endicott SD #308, Entiat SD #127, Enumclaw SD #216,  
8 Ephrata SD #165, Everett SD #2, Evergreen (Clark) SD #114, Evergreen (Stevens) SD #205,  
9 Federal Way SD #210, Ferndale SD #502, Fife SD #417, Finley SD #53, Franklin Pierce SD #402,  
10 Freeman SD #358, Garfield SD #302, Goldendale SD #404, Glenwood SD, Grand Coulee Dam  
11 SD #301J, Grandview SD #116-200, Granger SD #204, Granite Falls SD #332, Grapeview SD  
12 #54, Great Northern SD #312, Green Mountain SD #103, Griffin SD #324, Harrington SD #204,  
13 Highland SD #203, Highline SD #401, Hockinson SD #98, Hood Canal SD #404, Hoquiam SD  
14 #28, Inchelium SD #70, Issaquah SD #411, Kahlotus SD #56, Kalama SD #402, Keller SD #3,  
15 Kelso SD #458, Kennewick SD #17, Kent SD #415, Kettle Falls SD #212, Kiona Benton SD #52,  
16 Kittitas SD #403, Klickitat SD #402, KWRL Coop, La Center SD #101, La Conner SD #311,  
17 Lacrosse SD #126, Lake Chelan SD #129, Lake Quinault SD #97, Lake Stevens SD #4, Lake  
18 Washington SD #414, Lakewood SD #306, Lamont SD #264, Liberty SD #362, Lind SD #158,  
19 Longview SD #122, Loon Lake SD #183, Lopez Island SD #144, Lyle SD #406, Lynden SD #504,  
20 Mabton SD #120, Mansfield SD #207, Manson SD #19, Mary M Knight SD #311, Mary Walker  
21 SD #207, Marysville SD #25, McCleary SD #65, Mead SD #354, Medical Lake SD #326, Mercer  
22 Island SD #400, Meridian SD #505, Methow Valley SD #350, Mill A SD, Monroe SD #103,

1 Montesano SD #66, Morton SD #214, Moses Lake SD #161, Mossyrock SD #206, Mount Adams  
2 SD #209, Mount Baker SD #507, Mount Pleasant SD #29-93, Mount Vernon SD #320, Mukilteo  
3 SD #6, Naches Valley SD #3, Napavine SD #14, Naselle Grays River Valley SD #155, Nespelem  
4 SD #14, Newport SD #56-415, Nine Mile Falls SD #325, Nooksack Valley SD #506, North Beach  
5 SD #64, North Franklin SD #J51-162, North Kitsap SD #400, North Mason SD #403, North River  
6 SD #200, North Thurston SD #3, Northport SD #211, Northshore SD #417, Oak Harbor SD #201,  
7 Oakesdale SD #324, Oakville SD #400, Ocean Beach SD #101, Ocosta SD #172, Odessa SD #105-  
8 157-166J, Okanogan SD #105, Olympia SD #111, Omak SD #19, Onalaska SD #300, Onion Creek  
9 SD #30, Orcas Island SD #137, Orient SD #65, Orondo SD #13, Oroville SD #410, Orting SD  
10 #344, Othello SD #147-163-55, Palouse SD #301, Pasco SD #1, Pateros SD #122, Pe Ell SD #301,  
11 Peninsula SD #401, Pioneer SD #402, Pomeroy SD #110, Port Angeles SD #121, Port Townsend  
12 SD #50, Prescott SD #402-37, Prosser SD #116, Pullman SD #267, Puyallup SD #3, Queets-  
13 Clearwater SD #20, Quilcene SD #48, Quillayute Valley SD #402, Quincy SD #144-101, Rainier  
14 SD #307, Raymond SD #116, Reardan-Edwall SD #9, Renton SD #403, Republic SD #309,  
15 Richland SD #400, Ridgefield SD #122, Ritzville SD #160-67, Riverside SD #416, Riverview SD  
16 #407, Rochester SD #401, Rosalia SD #320, Royal SD #160, San Juan Island SD #149, Seattle SD  
17 #1, Sedro Woolley SD #101, Selah SD #119, Selkirk SD #70, Sequim SD #323, Shelton SD #309,  
18 Shoreline SD #412, Skykomish SD #404, Snohomish SD #201, Snoqualmie Valley SD #410, Soap  
19 Lake SD #156, South Bend SD #118, South Kitsap SD #402, South Whidbey SD #206, Southside  
20 SD #42, Spokane SD #81, Sprague SD #8, St. John SD, Stanwood- Camano SD #401, Steilacoom  
21 Historical SD #1, Stevenson-Carson SD #303, Sultan SD #311, Sumner-Bonney Lake SD #320,  
22 Sunnyside SD #201, Tacoma SD #10, Taholah SD #77, Tahoma SD #409, Tekoa SD #265, Tenino

1 SD #402, Thorp SD #400, Toledo SD #237, Tonasket SD #404, Toppenish SD #202, Touchet SD  
2 #300, Toutle Lake SD #130, Trout Lake SD #R-400, Tukwila SD #406, Tumwater SD #33, Union  
3 Gap SD #2, University Place SD #83, Valley SD #070, Vancouver SD #37, Vashon Island SD  
4 #402, Wahkiakum SD #200, Wahluke SD #73, Waitsburg SD #401, Walla Walla SD #140,  
5 Wapato SD #207, Warden SD #146-161, Washougal SD #112-6, Washtucna SD #109-43,  
6 Waterville SD #209, Wellpinit SD #49, Wenatchee SD #246, West Valley (Spokane) #363, West  
7 Valley (Yakima) SD #208, White Pass SD #303, White River SD #416, White Salmon SD #405,  
8 Wilbur SD #200, Willapa Valley SD #160, Wilson Creek SD #167-202, Winlock SD #232,  
9 Wishkah Valley SD #117, Wishram SD #94, Woodland SD #404, Yakima SD #7, Yelm SD #2,  
10 and Zillah SD #205.

#### 11 JURISDICTION AND VENUE

12 26. The Superior Court of Thurston County has jurisdiction in this matter and venue in  
13 Thurston County is appropriate pursuant to RCW 4.92.010(5), RCW 4.12.025(1) and RCW 42.56.540.

#### 14 FACTS

15 27. OFM maintains records concerning employees represented by the plaintiff Unions for  
16 human resource, personnel, payroll and other employment purposes, which records include personal,  
17 private, and highly confidential information

18 28. DRS maintains records related to the retirement of employees represented by the plaintiff  
19 Unions, including personal, private, and highly confidential information.

20 29. OFM and DRS have each received requests from the Freedom Foundation for information  
21 concerning employees represented by the Unions from records maintained by them. The requests seek  
22 plaintiffs Unions' bargaining unit members' personal information. Copies of the requests are attached

1 hereto as Exhibit 1 (OFM) and Exhibit 2 (DRS). The request to DRS is for the full exact name of every  
2 public employee in the DSR system, including place of employment, full date of birth, work email  
3 address, annual compensation, and identification of which retirement system the employee participates.  
4 The request to OFM seeks the same information for each employee in the OFM system except retirement  
5 system information.

6 30. DRS has posted on its website that it plans to release the information on January 3, 2020,  
7 except that for active members of LOEFF, PSERS, WSPRS, and PERS the only birthdate information  
8 that will be released will be the day of birth. This is because statutory exemptions for full date of birth in  
9 some job types, including criminal justice positions, apply to some employees in those data bases and  
10 because DRS will not be able to identify which individual employees the statutory exemption applies.  
11 See, <https://www.drs.wa.gov/announcements/prr-notice-20201204>.

12 31. One such agency is the Office of the Insurance Commissioner (OIC) which received a  
13 similar request from the Freedom Foundation for employee information attached hereto as Exhibit 3. On  
14 information and belief, the OIC intends to release its employees' exact name, duty station address/  
15 location, full date of birth, work email address, job title, and rate of pay unless enjoined.

16 32. Another such institution is Cascadia College for whom OFM is the bargaining agent. This  
17 notice is attached hereto as Exhibit 4. The notice to employees of the Foundation's request to Cascadia  
18 College went out December 12, 2019, and the College intends to release the employees' exact name, duty  
19 station address/location, full date of birth, work email address, job title, and rate of pay on December 19,  
20 2019, including information concerning domestic violence survivors unless enjoined.

21 33. As the DRS notice mentions, and on information and belief, the Unions believe that other  
22 State agencies and institutions where the Unions represent bargaining units of employees have received

1 similar requests for personal information, including full exact name, place of employment, full date of  
2 birth, and work email address. The agencies and institutions are preparing to provide the requested  
3 personal information. On information and belief, the Unions understand that the State agencies and  
4 institutions intend to provide the requested information as soon as they are able, and that the projected  
5 release dates vary.

6 34. Local government employers of various Plaintiff Unions have received the  
7 Foundations request for the same information. One such notice to a local government, King County  
8 Public Health District, is attached as Exhibit 5 and another to Grays Harbor Community Hospital is  
9 attached as Exhibit 6. On information and belief, other local government employers of plaintiff  
10 Unions' members have received the same request.

11 35. Union represented employees who received these notices of the impending release of  
12 information that would jeopardize their and their family's safety began reaching out to their union  
13 representatives in mid-December. The WFSE recently heard from two members who are domestic  
14 violence survivors who are concerned for their personal safety. They have taken extraordinary steps to  
15 preserve their lives and personal safety despite repeated attempts by their abusers to find and harm them.  
16 They have moved themselves and their families away from the abuser. They have repeatedly gone to  
17 court to seek legal protection from the abuser. They have arranged their financial lives so that no contact  
18 with their former partners will reveal their whereabouts. They are extremely fearful and distressed by the  
19 impending release of information that could put them in serious harm's way. WFSE is aware that there  
20 are many other employees it represents who are also domestic violence survivors who will be harmed by  
21 the release of the information the Foundation seeks concerning them.  
22

1           36.     The WPEA also very recently heard from an employee it represents, who is a domestic  
2 violence survivor and whose personal information is, including her employer, job title, work location  
3 (duty station) and date of birth would have been made public on December 19, 2019, but for the TRO  
4 which enjoined release. She informed WPEA that her former husband had persistently stalked her and  
5 her children and that she was so fearful for her life and her children's lives that she contacted her employer  
6 who indicated that the information would be released nonetheless and immanently. She then contacted  
7 WPEA and alerted it to her concerns for herself, her children, and other members who may also be  
8 domestic violence survivors. This WPEA member has taken extensive steps to conceal her home and  
9 work locations from her former husband. She has moved several times and each time enrolled her  
10 children in new schools. She has a restraining order that prevents him from contacting her or her children  
11 and from contacting third parties in an effort to locate her and the children, although he has violated that  
12 order in the past. She participates in the State's Address Protection Program, which allows her to lawfully  
13 use a substitute address when required to provide her address. She has worked with her employer to  
14 ensure that she is not listed on its website. OFM withholds her name from its website listing public  
15 employees' salaries, as it does for other domestic violence survivors. She is terrified about the release of  
16 her name, birth date, and work location.

17           37.     The Unions are aware that historically 42.6% of Washington women and 28.3% of  
18 Washington men experience intimate partner physical violence, intimate partner rape and/or intimate  
19 partner stalking in their lifetimes. Centers for Disease Control and Prevention (2014); Lifetime  
20 prevalence of rape, physical violence, and/or stalking by an intimate partner by state of residence—  
21 U.S. women, NISVS 2010; Lifetime prevalence of rape, physical violence, and/or stalking by an  
22 intimate partner by state of residence—U.S. men, NISVS 2010. This statistic makes it certain that



1 their bargaining units include many employees whose physical and mental wellbeing may be harmed  
2 should the information sought about them be released. The documents requested by the Freedom  
3 Foundation present a danger to those employees represented by the Unions, and may present potential  
4 danger to their co-workers. SEIU 925, for example, has experienced the horrible death of one of its  
5 members murdered by her stalker at her workplace, despite a protective order being in place, and with the  
6 fear created in co-workers by that event. See, [https://www.seattletimes.com/seattle-news/uw-staffer-](https://www.seattletimes.com/seattle-news/uw-staffer-killed-by-stalker/)  
7 [killed-by-stalker/](https://www.seattletimes.com/seattle-news/uw-staffer-killed-by-stalker/).

8 38. The interests of the Unions and the employees they represent would be substantially and  
9 irreparably injured by the release of the requested information as to their members who are domestic  
10 violence survivors.

11 39. Some members have reached out to their unions for assistance, but not all employees who  
12 are domestic survivors know that they are entitled to protection, or how to access it. The notices they  
13 receive indicate that they individually could seek injunctive relief, but that is not a realistic possibility for  
14 most, if not all of those who are entitled to protection. The Unions have been reaching out to members,  
15 but that process will take time and the members' situations will need to be evaluated and documented.

16 40. The Unions have requested through counsel that the State defendants delay disclosure  
17 because of the need to identify and protect Union members who are domestic violence survivors, at least  
18 until the Court can issue an order on the Unions' request for injunctive relief, but were unable to obtain  
19 agreement as things stood at the filing of this Complaint.

20 41. Subsequent to the court's entry on December 27, 2019 of the Order Granting Preliminary  
21 Injunction, the Defendant Freedom Foundation has slightly modified its original request to most of the  
22 original Defendant public employers and has sent a new slightly modified request to the newly named

1 Defendants. These slightly modified requests to the previous Defendants and the new requests to the  
2 newly named Defendants seek the employee's full first, middle and last name (the same as in the first  
3 request), their work email (which was also part of the previous requests); the month and date of birth  
4 (merely deleting the year from the earlier request); and the bargaining unit the employee is in (the same  
5 as the first request). These requests do not inform the employer of this court's injunction Order or of the  
6 process by which to identify persons protected under that Order. These requests, an apparent effort to  
7 bypass this Court's Order, and to extend the request to employers who until this 2<sup>nd</sup> amended complaint  
8 were not enjoined from releasing information, will, unless similarly enjoined, disclose the work location  
9 of employees represented by the plaintiffs who are domestic violence survivors or who otherwise have  
10 Orders of Protection. Based on the findings that with regard to such employees who need to yet be  
11 specifically identified, release of the requested information, both the previous request and the later  
12 request, will violate the employees' constitutional rights and would not be in the public interest, and unless  
13 the release is enjoined, these employees will suffer substantial and irreparable harm.

#### 14 **STANDING**

15 42. The Unions have standing under RCW 42.56.540 to bring this action, as the Unions and  
16 their bargaining unit members will be affected by the impending disclosures.

#### 17 **CLAIMS**

18 43. The Unions re-allege each and every fact set forth above.

19 44. Release of the information before domestic violence survivors can be identified and their  
20 information protected from disclosure under RCW 42.56.070(1) and is clearly not in the public interest,  
21 and in fact, poses the risk of substantial and irreparable harm. RCW 42.56.540.

22 45. Release of the information before domestic violence survivors can be identified and their

1 information protected from disclosure will violate RCW 42.56.070(1) because those employees'  
2 fundamental privacy rights and their personal safety rights, including the constitutional rights to life and  
3 liberty guaranteed by the U.S. Constitution Amend. Fourteen and WA. Const. Article1, Sections 3 and 7  
4 because the Unions and affected employees would be deprived of fundamental privacy rights and liberty  
5 interests without due process of law by the release of the requested information without the opportunity  
6 to adequately identify and protect those members whose rights would be violated by disclosure.

### 7 **RELIEF REQUESTED**

8 Wherefore, the Unions request that the Court grant the following relief:

9 1. Declaratory judgment that, for the reasons alleged herein, the State and the named State  
10 agencies and institutions be prohibited from releasing the requested information until a process is  
11 identified, implemented, and completed to ensure that domestic violence survivors' information is  
12 protected from disclosure.

13 2. A preliminary and permanent injunction enjoining all named Defendants, including the  
14 State, the named State agencies and institutions, local government agencies and school districts from  
15 releasing the requested information in any request identified herein until a process is identified,  
16 implemented, and completed to ensure that domestic violence survivors' information is protected from  
17 disclosure and that the earlier Order Granting Preliminary Injunction be extended to apply to the later  
18 requests for information identified herein, or any similar subsequent request.

19 3. An award to the Unions of their reasonable costs and fees incurred herein; and

20 4. Such other and further relief as the Court may deem appropriate.

21 RESPECTFULLY SUBMITTED this 9th day of January, 2019.

22 //

1 YOUNGLOVE & COKER, P.L.L.C.

2 

3 Edward Earl Younglove III, WSBA #5873  
4 Attorney for Plaintiff WFSE  
5 edy@ylclaw.com

6 *Attorney for WFSE*

7 BARNARD IGLITZIN & LAVITT LLP

8 

9 Kathleen P. Barnard, WSBA #17896  
10 Melissa Greenberg, WSBA #54132  
11 Barnard Iglitzin & Lavitt LLP  
12 18 W Mercer Street, Suite 400  
13 Seattle, WA 98119  
14 (206) 257-6002 Fax (206) 257-6037  
15 Attorneys for WPEA, Teamsters 117 and SEIU 925  
16 barnard@workerlaw.com  
17 greenberg@workerlaw.com

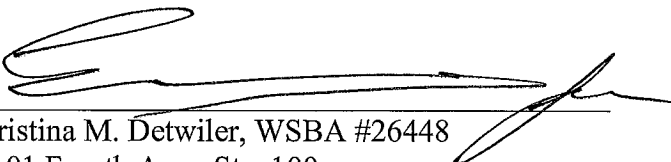
18 *Attorneys for WPEA, SEIU 925 and Teamsters 117,  
19 IUOE 609*

20 

21 HARRIET STRASBERG, WSBA #15890  
22 203 – Fourth Avenue E., Suite 520  
Olympia, WA 98501  
(360) 754-0304 Fax (360) 754-8416  
HStrasberg@comcast.net

*Attorney for Washington Education Association*

ROBBLEE DETWILER PLLP



Kristina M. Detwiler, WSBA #26448  
2101 Fourth Ave., Ste. 100  
Seattle, WA 98121  
206-467-6700 (phone)  
206-467-7589 (fax)  
kdetwiler@unionattorneysnw.com

*Attorney for IBEW locals 483, 76 and 77 and UAPP 32  
and Seattle Building and Trades Council.*

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

EXHIBIT 1

Denise Mulholland

---

From: Maxford Nelsen <MNelsen@freedomfoundation.com>  
Sent: Friday, November 1, 2019 4:58 PM  
To: OFM mi Public Disclosure  
Subject: Request for public records

OFM Staff,

In accordance with Chapter 42.56 RCW, I'd like to submit the following request for public records on behalf of the Freedom Foundation. Specifically, I am seeking the following information for each state employee currently employed in a union-represented bargaining unit:

1. First name
2. Middle name
3. Last name
4. Job title
5. Full birthdate
6. Work email address
7. Employer agency/department
8. Name/title of exclusive bargaining representative/union
9. FTE status/percentage
10. Current annual salary
11. Duty station location/address

It is my preference to receive responsive document(s) electronically in Excel, Access, or comma separated value (CSV) format.

As you process this request, please keep the following three points in mind.

First, I am not seeking and do not want to receive any indication as to the union membership status of individual employees.

Second, please note that, pursuant to the Washington State Supreme Court's recent decision in WPEA v. Freedom Foundation, public employees names and dates of birth are subject to disclosure under Chapter 42.56 RCW.

And third, please note that the purpose for which these records are requested — informing public employees of their constitutional rights — was recognized by the Washington State Supreme Court in WPEA v. Freedom Foundation as not subject to the commercial purpose exemption in RCW 42.56.070(8).

Please do not hesitate to contact me with any questions you may have about the nature of this request. Thank you for your assistance.

Best,

Maxford Nelsen  
Director of Labor Policy | Freedom Foundation  
[MNelsen@FreedomFoundation.com](mailto:MNelsen@FreedomFoundation.com)

360.956.3482 | PO Box 552 Olympia, WA 98507  
[FreedomFoundation.com](http://FreedomFoundation.com)



EXHIBIT 2

**From:** Maxford Nelsen <[MNelsen@freedomfoundation.com](mailto:MNelsen@freedomfoundation.com)>  
**Sent:** Friday, November 1, 2019 12:36 PM  
**To:** DRS Public Disclosure Requests <[drs.pdr@drs.wa.gov](mailto:drs.pdr@drs.wa.gov)>  
**Subject:** Request for public records

DRS Staff,

In accordance with Chapter 42.56 RCW, I'd like to submit the following request for public records on behalf of the Freedom Foundation. Specifically, I am seeking the following information for each person currently employed by a public employer in Washington:

1. First name
2. Middle name
3. Last name
4. Full birthdate
5. Work email address
6. Employer
7. The retirement system in which they currently participate
8. FTE status/percentage
9. Current annual salary
10. Duty station location/address

It is my preference to receive responsive document(s) electronically in Excel, Access, or comma separated value (CSV) format.

As you process this request, please keep the following three points in mind.

First, please note that, pursuant to the Washington State Supreme Court's recent decision in *WPEA v. Freedom Foundation*, public employees names and dates of birth are subject to disclosure under Chapter 42.56 RCW.

Second, I have attached a completed declaration of non-commercial purpose form. Please note that the purpose for which these records are requested — namely, informing public employees of their constitutional rights — was recognized by the Washington State Supreme Court in *WPEA v. Freedom Foundation* as not subject to the commercial purpose exemption in RCW 42.56.070(8).

Third, please note that the information I requested is considered an "identifiable public record." A public record is defined by RCW 42.56.010(3) as any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency — regardless of physical form or characteristics. RCW 42.56.010(4) also specifically states that a writing includes existing data compilations from which information may be obtained or translated. The Foundation's request specifically seeks information from DRS's existing data compilations, all of which is information relating to the conduct of government and that is prepared, owned, used, and retained by your agency. As such, the requested data is an "identifiable public record."

Please do not hesitate to contact me with any questions you may have about the nature of this request. Thank you for your assistance.

Best,

**Maxford Nelsen**

Director of Labor Policy | Freedom Foundation

[MNelsen@FreedomFoundation.com](mailto:MNelsen@FreedomFoundation.com)

360.956.3482 | PO Box 552 Olympia, WA 98507

[FreedomFoundation.com](http://FreedomFoundation.com)

EXHIBIT 3

**From:** [Cairns, Kelly \(OIC\)](#)  
**To:** [Ferrell, Stephanie \(OIC\)](#)  
**Subject:** FW: Request for public records  
**Date:** Tuesday, November 26, 2019 9:37:44 AM

---

Thank you!

**From:** Maxford Nelsen [mailto:[MNelsen@freedomfoundation.com](mailto:MNelsen@freedomfoundation.com)]  
**Sent:** Monday, November 25, 2019 3:49 PM  
**To:** Cairns, Kelly (OIC) <[KellyC@oic.wa.gov](mailto:KellyC@oic.wa.gov)>  
**Subject:** Request for public records

Office of Insurance Commissioner Staff,

In accordance with Chapter 42.56 RCW, I'd like to submit the following request for public records on behalf of the Freedom Foundation. Specifically, I am seeking the following for each OIC employee currently employed in a union-represented bargaining unit:

1. First name
2. Middle name
3. Last name
4. Job title
5. Full birthdate. If the employee is a criminal justice employee pursuant to RCW 42.56.250, please produce the day and withhold the employee's year and month of birth.
6. Work email address
7. Bargaining unit indicator, including any or all of the following:
  - a. Name of the entity recognized as the exclusive bargaining representative
  - b. The Public Employment Relations Commission decision number defining the bargaining unit
  - c. Other descriptor used by OIC to identify the bargaining unit
8. FTE status/percentage
9. Current rate of pay
10. Work mailing address
11. Duty station address/location

It is my preference to receive responsive document(s) electronically in Microsoft Excel or comma separated value (CSV) format.

As you process this request, please keep the following three points in mind.

First, I am not seeking and do not want to receive any indication as to the union membership status of individual employees.

Second, please note that, pursuant to the Washington State Supreme Court's recent decision in [\*WPEA v. Freedom Foundation\*](#), public employees names and dates of birth are subject to disclosure under Chapter 42.56 RCW.

And third, please note that the purpose for which these records are requested — informing public employees of their constitutional rights — was recognized by the Washington State Supreme Court in WPEA v. Freedom Foundation as not subject to the commercial purpose exemption in RCW 42.56.070(8).

Please do not hesitate to contact me with any questions you may have about the nature of this request. Thank you for your assistance.

Best,

## **Maxford Nelsen**

Director of Labor Policy | Freedom Foundation  
[MNelsen@FreedomFoundation.com](mailto:MNelsen@FreedomFoundation.com)  
360.956.3482 | PO Box 552 Olympia, WA 98507  
[FreedomFoundation.com](http://FreedomFoundation.com)

EXHIBIT 4

**From:** Brown, Samantha <[sbrown@cascadia.edu](mailto:sbrown@cascadia.edu)>  
**Sent:** Thursday, December 12, 2019 9:26 AM  
**To:** Employees Classified <[ClassifiedEmployees@cascadia.edu](mailto:ClassifiedEmployees@cascadia.edu)>; Faculty All <[Faculty\\_All@cascadia.edu](mailto:Faculty_All@cascadia.edu)>  
**Cc:** Logan, Martin <[mlogan@cascadia.edu](mailto:mlogan@cascadia.edu)>  
**Subject:** Notification of Public Records Request

Good morning!

As part of being Cascadia College's Public Records Officer, I respond to requests for public records and notify employees if any of those requests include requests for employee information.

Cascadia College has received a request from the Freedom Foundation. The request is for the following Classified and Faculty employee information, as quoted below from the original request:

"On behalf of the Freedom Foundation, I request a data set with a record including fields for each

- first name,
- last name,
- middle name or middle initial,
- date of birth,
- work email address,
- job title
- work mailing address,
- seniority date or hire date, and
- bargaining unit name or PERC decision number

of every current employee employed by Cascadia College employee in positions covered by a collective bargaining agreement. In accordance with RCW 42.56.070(9), I certify that the lists of individuals obtained through this request for public records will not be used for commercial purposes. The intended purpose of this list is to notify public employees of their Constitutional rights."

As a state agency Cascadia College is subject to the provision of the Public Records Act (RCW 42.56) and will respond to the request accordingly. I plan to provide the data on December 16. If you have any questions please direct them to me or Marty. You may also choose to reach out to your union representative for additional information and/or support.

Thank you.

---

**Samantha (Sam) Brown**

Manager of Professional Development

Public Records Officer

[sbrown@cascadia.edu](mailto:sbrown@cascadia.edu), 425-352-8514, CC2-280G

Pronouns: she/her/hers



**CASCADIA  
COLLEGE**

**BOHEM**  
OUR COMMUNITY'S COLLEGE

EXHIBIT 5

Name: Jami Lund  
Address: PO Box 552  
City: Olympia  
State: WA  
Zip: 98507  
Country: United States  
Phone Number (required if you want a response): 3609563482  
Message: Jeff Tomlin,  
Chief Executive Officer  
King County PHD #2

[jtomlin@evergreenhealthcare.org](mailto:jtomlin@evergreenhealthcare.org)

October 31, 2019

Request for public records – Freedom Foundation – Represented Employees

On behalf of the Freedom Foundation, I request a data set with a record including fields for each

- first name,
- last name,
- middle name or middle initial,
- date of birth,
- work email address,
- job title
- work mailing address,
- seniority date or hire date, and
- bargaining unit name or PERC decision number

of every current employee employed within King County PHD #2 in positions covered by a collective bargaining agreement.

It is my preference to receive any responsive dataset/documents/records electronically in common delineated text file format such as Excel.

In accordance with RCW 42.56.070(9), I certify that the lists of individuals obtained through this request for public records will not be used for commercial purposes. The intended purpose of this list is to notify public employees of their Constitutional rights.

Please let me know if you would like me to clarify any aspect of this request.

Mr. Jami Lund  
Senior Policy Analyst | Freedom Foundation  
[recordsrequest@FreedomFoundation.com](mailto:recordsrequest@FreedomFoundation.com)  
PO Box 552 Olympia, WA 98507

360-956-3482

EXHIBIT 6

**Sent:** Thursday, December 19, 2019 11:58 AM

**To:** Jason Kindle; Kala R. Winter; Elizabeth Schave; Jayme Garrison; Jennifer Rupe; John Warring; Debi Sturm; Dan James; Janet Byrd; Bambi Shope; Michaela McDonald

**Subject:** Notice of Public Records Request

Dear Union Stewards and Officers:

This notice is being sent as a courtesy to let you know that a Public Records Act request was received by Grays Harbor Community Hospital (Grays Harbor Public Hospital District No. 2) from Freedom Foundation, seeking the following:

a data set with a record including fields for each

- first name,
- last name,
- middle name or middle initial,
- date of birth,
- work email address,
- job title
- work mailing address,
- seniority date or hire date, and
- bargaining unit name or PERC decision number

of every current employee employed within Grays Harbor County PHD #2 in positions covered by a collective bargaining agreement.

Freedom Foundation certified in accordance with RCW 42.56.070(9) that the list of individuals obtained through this request would not be used for commercial purposes and further stated that, "the intended purpose of this list is to notify public employees of their Constitutional rights." In accordance with a recent supreme court case on these types of requests, GHCH intends to provide this information to Freedom Foundation on Friday, January 10, 2020.

In an effort to be as transparent as possible, and at your discretion, we would be more than happy to provide notice to all union employees identified by the request. Please let me know if you would like me to proceed with employee notification or if you would like that to come from the union.

Regards,  
Jason Halstead

**Jason G. Halstead, CHC, BSW**  
Director of Quality, Risk, and Compliance  
Privacy Officer  
Public Records Officer (Interim)  
Grays Harbor Community Hospital  
915 Anderson Drive  
Aberdeen, WA 98520

# GRAYS HARBOR COMMUNITY HOSPITAL

---

Phone 360-537-5126 Mobile 360-591-4935  
Web [www.ghcares.org](http://www.ghcares.org) Email [jhalstead@ghcares.org](mailto:jhalstead@ghcares.org)

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. This message contains confidential information and is intended only for the individual named. If you are not the named addressee, you should not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. If you are not the intended recipient, you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

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

**EXPEDITE**

No Hearing is set

Hearing is set:

Date: January 17, 2020

Time: 9:00 a.m.

Judge/Calendar: Skinder

**SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY**

WASHINGTON FEDERATION OF STATE  
EMPLOYEES, et al.,

Plaintiffs,

v.

STATE OF WASHINGTON, et al.,

Defendants.

NO. 19-2-06100-34

MOTION FOR ORDER EXTENDING  
PRELIMINARY INJUNCTION

Come now Plaintiffs and move the above-entitled court for an order extending the Preliminary Injunction issued on December 27, 2019 to the additional defendants named in the Second Amended Complaint and that the court further enjoin the release by all defendants of the additional information requested in the public record requests made by the defendant Freedom Foundation subsequent to the entry of the Preliminary Injunction wherein the Freedom Foundation is now requesting the first, middle and last name of employees, their work email (both information previously enjoined), their month and day of birth (without the year that was previously enjoined) and their bargaining unit indicator, and further enjoining any subsequent similar request to any of the defendants, and that such order be subject to the same review schedule entered in the prior Preliminary Injunction.

1 This motion is based upon the records and files herein, and specifically the Second Declarations  
2 of Leanne Kunze and Michelle Woodrow and the Declarations of Armand L. Tiberio and Karen Hart,  
3 and plaintiffs written and oral arguments.

DATED this 9th day of January, 2020.

5 YOUNGLOVE & COKER, P.L.L.C.



7 Edward Earl Younglove III, WSBA #5873  
8 Attorney for Plaintiff WFSE  
*edy@ylclaw.com*

9 BARNARD IGLITZIN & LAVITT LLP



11 Kathleen P. Barnard, WSBA #17896  
12 Melissa Greenberg, WSBA #54132  
13 Barnard Iglitzin & Lavitt LLP  
14 18 W Mercer Street, Suite 400  
15 Seattle, WA 98119  
16 (206) 257-6002 Fax (206) 257-6037  
17 Attorneys for WPEA, Teamsters 117 and SEIU 925  
*barnard@workerlaw.com*

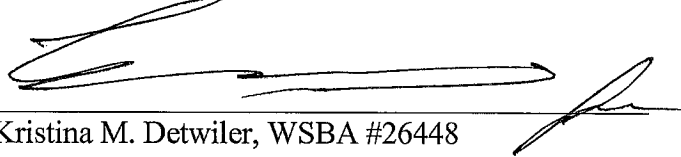
18 HARRIET STRASBERG



19 Harriet Kay Strasberg, WSBA #15890  
20 203 – Fourth Avenue E., Suite 520  
21 Olympia, WA 98501  
22 (360) 754-0304 Fax (360) 754-8416  
Attorney for the Washington Education Association  
*HStrasberg@comcast.net*



ROBBLEE DETWILER PLLP



Kristina M. Detwiler, WSBA #26448  
2101 Fourth Ave., Ste. 100  
Seattle, WA 98121  
206-467-6700 (phone)  
206-467-7589 (fax)  
kdetwiler@unionattorneysnw.com

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

1  **EXPEDITE**

2  No Hearing is set

3  Hearing is set:

Date: January 17, 2020

Time: 9:00 a.m.

Judge/Calendar: Skinder -- Civil Mot Calendar

4  
5  
6  
7  
8 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**  
9 **IN AND FOR THURSTON COUNTY**

10 WASHINGTON FEDERATION OF STATE  
EMPLOYEES, *et al.*,

11 Plaintiffs,

12 v.

13 FREEDOM FOUNDATION, *et al*

14 Defendants.

**NO. 19-2-06100-34**

**BRIEF IN SUPPORT OF  
MOTION FOR A  
PRELIMINARY INJUNCTION**

15 **INTRODUCTION AND RELIEF REQUESTED**

16 On December 27, 2019, some of the above uncaptioned Plaintiff Unions obtained a  
17 preliminary injunction enjoining the State of Washington and its named agencies, from providing  
18 the Freedom Foundation (Foundation) with the personal information it sought including  
19 “releasing or disclosing the names, birthdates, duty station/location and work email (hereinafter  
20 referred to as ‘personal information’).” The Court determined that providing this information  
21 without first allowing time for the Defendant public employers and Plaintiff unions to identify  
22 protected employees through a process to shield these employees’ information from disclosure  
23 would violate those employees’ privacy rights under the United States and Washington  
24

BRIEF IN SUPPORT OF MOTION FOR A  
PRELIMINARY INJUNCTION - 1  
Case No. 19-2-06100-34

18 WEST MERCER ST., STE. 400 **BARNARD**  
SEATTLE, WASHINGTON 98119 **IGLITZIN &**  
TEL 800.238.4231 | FAX 206.378.4132 **LAVITT LLP**

1 Constitution. December 27, 2019 Order Granting Preliminary Injunction (Order) at p. 4-6.  
2 Following the Court's order, the Foundation has renewed its attempt to access information  
3 protected under the United States and Washington Constitutions by issuing slightly modified  
4 requests to public employers; however, the Foundation neglected to inform the employer of the  
5 preliminary injunction issued in this case. Complaint (Compl.) at ¶ 41. Specifically, the  
6 Foundation has slightly changed its original requests and sent these requests to roughly 300 new  
7 government entities in an apparent effort to circumvent this Court's Order. The Foundation's  
8 requests do not inform these employers of this Court's previous order or the need for a process to  
9 identify persons protected under that order, which is likewise needed for a constitutionally  
10 compliant response to this new round of requests. *Id.*

11 Plaintiffs now include additional Unions, whose employers received the new round of the  
12 Foundation's requests. Plaintiffs seek further injunctive relief in the form of extending the  
13 existing December 27, 2019 injunction to the Foundation's new round of requests and that those  
14 requests be subject to the same review entered in the prior Order.

#### 15 STATEMENT OF FACTS

16 The Unions are labor organizations representing public employees of Washington State  
17 school districts, local governments and various agencies, offices, departments and colleges.  
18 Complaint (Compl.) at ¶¶ 1-19. Defendant Freedom Foundation is a political organization  
19 dedicated to opposing public employee rights to organize that are guaranteed by various state  
20 statutes including RCW 41.05, 41.80 and 41.56 and is the requestor, under RCW 42.56 (the  
21 Public Records Act or PRA), of certain information from documents maintained by Defendant  
22 state and local government entities. Compl. at ¶¶ 21-25. The Second Amended Complaint now  
23 includes the roughly 300 additional school districts and government entities where the Plaintiffs'

24

1 bargaining unit members work, and from which the Foundation has requested personally  
2 identifying information after the Court’s December 27, 2019 ruling.

3 On December 27, 2019, the Court enjoined the Foundation from accessing the personal  
4 information it sought until March 31, 2020, so the State, domestic violence survivors, and their  
5 unions and employers could undergo a process to protect domestic violence survivors  
6 information. Order at 4-6. In its ruling, the Court enjoined the release of personal information  
7 until that process was completed. *Id.* at 4. It defined personal information to include “names,  
8 birthdates, duty station/work location and work email of public employees.” *Id.* The Court found  
9 that blanket disclosure of this personal information without giving state and local agencies,  
10 domestic violence survivors, and their unions the opportunity to seek protection would violate  
11 the United States Constitution, the Washington Constitution, and RCW 42.56.070(1) “because  
12 that statute prohibits a response to a public records request that violates the Washington or  
13 United States Constitution,” and thus, this disclosure would not be in the public interest. *Id.* at 4.  
14 The Court then outlined a process by which protected employees—those employees entitled to  
15 protection by presenting a qualifying police report, temporary or permanent protective order,  
16 written statement, or other documentation that the employee or the employee’s family member is  
17 a victim of domestic violence, sexual assault, or stalking—could work with their employer to  
18 have their information withheld from public disclosure. *Id.* at 5-6.

19 After the December 27, 2019 preliminary injunction order, the Unions learned that the  
20 Foundation had subsequently made new requests to roughly 300 additional government  
21 defendants, including virtually every school district in the state. Declaration of Armand L.  
22 Tiberio (Tiberio Dec.) at page 5 ¶ 2; Second Declaration of Leanne Kunze (Second Kunze Dec.)  
23 at ¶ 2; Second Declaration of Michelle Woodrow (Second Woodrow Dec.) at ¶ 4; Declaration of  
24

1 Karen Hart (Hart Dec.) at ¶ 4. The new Foundation requests seek public employees' first, middle  
2 and last name, their work email, the month and day of their birth, and their bargaining unit. Hart  
3 Dec. at ¶ 4; Second Woodrow Dec. at ¶ 4; Kunze Dec. at ¶ 3; Tiberio Dec. at ¶ 2. Like the  
4 requests enjoined on December 27, 2019, the new requests would assist a perpetrator of domestic  
5 violence in finding an employee, her work location, and her family. Tiberio Dec. at page 5 ¶ 2;  
6 Second Kunze Dec. at ¶ 3; Second Woodrow Dec. at ¶ 4; Hart Dec. at ¶ 4.

7 As noted in Plaintiffs' motion for a preliminary injunction, abusers often go to great  
8 lengths to locate victims of domestic violence and their families. Brief in Support of Motion for  
9 Preliminary Injunction (Preliminary Injunction Brief) at 3-5. As a result, many domestic violence  
10 victims have sought to protect their information from their abusers. *Id.* Given the Plaintiff  
11 Unions understanding that historically 42.6% of Washington women and 28.3% of Washington  
12 men experience intimate partner physical violence, intimate partner rape and/or intimate partner  
13 stalking in their lifetimes, there are likely many more members whose information should be  
14 exempted among the almost 300 additional new defendants. Preliminary Injunction Brief at 5-6.

15 The Plaintiff Unions are in process of doing outreach to the 300 additional government  
16 entities that were not part of the Foundation's first request to make sure that protected employees  
17 information is not disclosed, but given the magnitude of the request, the Unions need time to  
18 perform this outreach and protected individuals need time for this process to work. Hart Dec. at  
19 ¶¶ 5-6; Second Woodrow Dec. at ¶¶ 5-6. The Unions could accomplish this additional outreach  
20 to their members under the existing preliminary injunction schedule. Hart Dec. at ¶ 7; Second  
21 Woodrow Dec. at ¶ 7.

22 **STATEMENT OF THE ISSUES**

23 1. Should this Court order preliminary relief enjoining the Defendants from  
24 disclosing records that contain personal information including the names, birthdate, work email

1 address, and bargaining unit for public employees who are victims of domestic of violence where  
2 disclosure of their personal information would violate their constitutional right to privacy by  
3 invading their fundamental right to safety and bodily security and subject these employees to  
4 state-created danger in violation of the Fourteenth Amendment?

5 2. Should this Court order preliminary relief enjoining the Defendants from  
6 disclosing records that contain personal information including the names, birthdate, contact  
7 information, and bargaining unit of public employees represented by the Unions who are victims  
8 of domestic of violence where that disclosure would violate their constitutional right to privacy  
9 by invading their right to autonomy in childrearing decisions?

10 3. Should this Court enter a preliminary injunction enjoining the State from  
11 disclosing records that contain personal information where release of this personal information  
12 would violate the right to privacy in RCW 42.56.230?

### 13 EVIDENCE

14 Plaintiffs rely on the Second Amended Complaint, their previous pleadings in this case,  
15 the December 27, 2019 Order Granting the Preliminary Injunction, and the declarations of  
16 Leanne Kunze, Armand L. Tiberio, Karen Hart, and Michelle Woodrow.

### 17 ARGUMENT

18 **I. This Court should grant the request for a preliminary injunction because these**  
19 **disclosures are exempt under the U.S. Constitution and release of the records in**  
20 **question is clearly not in the public interest and in fact poses substantial and**  
21 **irreparable harm.**

#### 22 **A. The injunction standard under the PRA**

23 Under RCW 42.56.540, an agency or “a person who is named in the record or to whom  
24 the record specifically pertains” or her union may seek an injunction to prevent disclosure of a  
requested record. The party seeking the order enjoining the release of information requested

1 under the Public Records Act must show “(1) that the record in question specifically pertains to  
2 that party, (2) that an exemption applies, and (3) that the disclosure would not be in the public  
3 interest and would substantially and irreparably harm that party or a vital government function.”  
4 *Planned Parenthood of Great Nw. v. Bloedow*, 187 Wn. App. 606, 628, 350 P.3d 660 (2015).  
5 The Court will first determine whether the records are exempt under the PRA or an “other  
6 statute” that provides an exemption in the individual case. *Lyft, Inc. v. City of Seattle*, 190 Wn.2d  
7 769, 790, 418 P.3d 102 (2018). A plaintiff then must establish that disclosure is clearly not in the  
8 public interest and in fact poses substantial and irreparable harm. *Washington Pub. Employees*  
9 *Ass'n v. Washington State Ctr. for Childhood Deafness & Hearing Loss*, 450 P.3d 601 (Wash.  
10 2019) (“*WPEA*”). The party seeking to prevent disclosure bears the burden of proof. *Lyft, Inc.*,  
11 190 Wn.2d at 791. Here, the records are exempt under the Washington constitution, the U.S.  
12 Constitution, and the PRA’s statutory right of privacy, and disclosure would not serve the public  
13 interest and in fact poses substantial and irreparable harm by endangering domestic violence  
14 survivors and their families.

15 **B. The Foundation’s renewed information requests are an end-run around the**  
16 **Court’s December 27, 2019 temporary injunction.**

17 Despite the Court’s injunction, the Foundation continues to seek protected information  
18 from domestic violence survivors which would make it easy for their abusers to locate them. The  
19 December 27, 2019 injunction should be extended to the Foundation’s new information requests,  
20 so government entities, protected individuals, and their unions have the necessary time to engage  
21 with the process outlined in the December 27, 2019 Order and ensure that these individuals’  
22 information is similarly protected.

23 **C. Because domestic violence survivors’ privacy rights under the Washington**  
24 **Constitution and the United States Constitution implicate fundamental rights,**  
**the Court must apply strict scrutiny to balance the plaintiffs’ fundamental rights**  
**against the State’s interest in disclosure and order the records not be released.**

1 Article I, Section 7 of Washington’s Constitution states, “[n]o person shall be disturbed  
2 in his private affairs, or his home invaded, without the authority of the law” and has been  
3 interpreted by the Washington Supreme Court under the same framework as the Constitutional  
4 right to privacy. *See WPEA*, 450 P.3d at 612. “The Supreme Court has identified two types of  
5 interests protected by the right to privacy: the right to autonomous decision making and the right  
6 to nondisclosure of intimate personal information, or confidentiality.” *O’Hartigan v. Dep’t of*  
7 *Pers.*, 118 Wn.2d 111, 117, 821 P.2d 44 (1991) (citing *Whalen v. Roe*, 429 U.S. 589, 599–600  
8 (1977)). In *Whalen v. Roe*, the U.S. Supreme Court identified a bundle of fundamental rights  
9 dealing with “matters relating to marriage, procreation, contraception, family relationships, and  
10 child rearing and education. In these areas, it has been held that there are limitations on the  
11 States’ power to substantively regulate conduct.” 429 U.S. at 600 n. 26 (quoting *Paul v. Davis*,  
12 424 U.S. 693, 713 (1976)). While this description of unenumerated rights includes some of those  
13 that the courts consider “fundamental” or “implicit in the concept of ordered liberty,” this  
14 category includes rights beyond those specifically described. *Paul*, 424 U.S. at 713 (quoting  
15 *Palko v. Connecticut*, 302 U.S. 319, 325 (1937)). Where state action infringes upon a  
16 fundamental right, strict scrutiny will apply and such governmental action will be upheld under  
17 the substantive due process component of the Fourteenth Amendment only where the  
18 governmental action furthers a compelling state interest, and is narrowly drawn to further that  
19 state interest. *Kallstrom v. City of Columbus*, 136 F.3d 1055, 1064 (6th Cir. 1998).

20 **D. The State’s disclosure of domestic violence victims’ personal information**  
21 **violates the Due Process Clause of the Fourteenth Amendment and plaintiffs’**  
22 **fundamental liberty interest in safety and bodily security and cannot survive**  
23 **strict scrutiny.**

24 The Due Process Clause of the Fourteenth Amendment states, “[n]o State shall... deprive  
any person of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV, §



1 1. An interest in preserving one's own life and that of your family members, as well as  
2 preserving one's own personal security and bodily integrity constitutes a fundamental liberty  
3 interest. *Kallstrom*, 136 F.3d at 1062 (holding that police officers "have a fundamental  
4 constitutional interest in preventing the release of personal information contained in their  
5 personnel files where such disclosure creates a substantial risk of serious bodily harm.");  
6 *Kennedy v. City of Ridgefield*, 439 F.3d 1055, 1061-62 (9th Cir. 2006) ("It is well established  
7 that the Constitution protects a citizen's liberty interest in her own bodily security."). Where state  
8 actors deprive individuals of their "liberty by affirmatively placing [them] at greater risk of  
9 abuse, [plaintiffs] claims are rooted in the substantive component of the Due Process Clause."  
10 *Martinez v. City of Clovis*, 17-17492, 2019 WL 6520779, at \*5 (9th Cir. Dec. 4, 2019) (citing  
11 *DeShaney v. Winnebago Cty. Dep't of Soc. Servs.*, 489 U.S. 189, 194-95 (1989)). While there is  
12 no affirmative duty of the government to protect individuals from violence from third parties, the  
13 government may be required to protect the plaintiff from third party violence when (1) there  
14 exists a special relationship between the plaintiff and the state, or (2) the state "affirmatively  
15 places [the plaintiff]... in danger by acting with 'deliberate indifference to a 'known or obvious  
16 danger.'" *Martinez v. City of Clovis*, 17-17492, 2019 WL 6520779, at \*6; *Kennedy v. City of*  
17 *Ridgefield*, 439 F.3d at 1061-62.

18 Here, by releasing the requested information the public employers would be placing these  
19 domestic violence victims in greater danger than they were previously and jeopardizing their  
20 personal security and bodily integrity. The information requested would allow abusers to locate  
21 survivors of domestic violence. *Supra* at 4-5. These domestic violence victims have gone to great  
22 lengths to prevent their abusers from locating them. *Id.* With the help of legal process, these  
23 domestic violence survivors have sought protective orders, moved themselves and their families  
24

1 to new locations, taken precautions concerning internet information that could reveal their  
2 locations, enrolled in the address confidentially program, and alerted their workplaces all in  
3 order to keep themselves and their families safe. *Id.*

4 Public employees who have experienced domestic violence, sexual assault, unlawful  
5 harassment, stalking, or human trafficking have a profound interest in avoiding substantial and  
6 irreparable injury to themselves, and their children. Huang Dec. ¶ 4. Their need to maintain the  
7 privacy and confidentiality of their personal identifying information, including their contact  
8 information is strongly linked to their safety, and in some instances, their very lives. *Id.*<sup>1</sup>  
9 Therefore, allowing the public to access these individuals' information is an affirmative act by  
10 the State that seriously increased the danger to their personal security and bodily integrity. *Id.*

11 This act by the public employers will also place public employee domestic violence  
12 survivors in a more vulnerable situation than they were previously. Thus, disclosure of domestic  
13 violence survivors information implicates a fundamental liberty interest—their fundamental right  
14 in their personal security and bodily integrity—by jeopardizing their safety and that of their  
15 families. Moreover, the public employers may be subject to liability under the state-created  
16 danger doctrine by increasing the vulnerability of these women in the face of its knowledge of an  
17 actual, particularized danger and the foreseeable consequences of giving their abusers access to  
18 their whereabouts through the public employers' deliberately indifferent actions in the face of a  
19 known danger. *Martinez*, No. 17-17492, 2019 WL 6520779, at \*7 (9th Cir. Dec. 4, 2019) (“That  
20 [the plaintiff] was already in danger from [her abuser] does not obviate a state-created danger  
21

---

22  
23 <sup>1</sup> The research literature states that over 75% of women killed in domestic violence -related homicides were stalked  
24 by their abusive partners. At least 2/3 of them had been physically abused by their intimate partner, and of those  
who had reported both stalking and physical abuse, almost 80% experienced stalking at the same time they were  
abused. Huang Dec. ¶ 5.

1 when the state actor enhanced the risks,” and denying summary judgment and holding the due  
2 process violation must be submitted to the jury).

3       Significantly, the instant case is distinguishable from *WPEA*, where the Washington  
4 Supreme Court found that the interest in confidentiality, or nondisclosure of public employees’  
5 names and birthdates was not recognized as a fundamental right. 450 P.3d at 612. The *WPEA*  
6 Court did not contend with a situation where the privacy interest infringed on a fundamental  
7 right. *See WPEA*, 450 P.3d at 612-14. Indeed, the Court explicitly rejected the absolutist  
8 approach advocated by the Foundation that an individual could not have a constitutional privacy  
9 interest in a public record and noted that in situations where fundamental rights were concerned  
10 the Court would apply strict scrutiny and the State must identify a compelling governmental  
11 interest to justify such action. *WPEA*, 450 P.3d 601, 612-613. That is the case here, because  
12 personal safety and bodily integrity is a fundamental right where the State affirmatively acts to  
13 increase the threat to those fundamental rights.

14       Under a strict scrutiny analysis, the public’s interest in the release of domestic violence  
15 survivors’ names and contact information must fail when balanced against the public employers’  
16 interests here. The State’s interest in promoting transparency and oversight, *see WPEA*, 450 P.3d  
17 at 614, is a “general open government interest,” and here the information that will be disclosed  
18 “hardly touches on open government and says nothing about the *function* of state government”  
19 and thus is insufficient to rise to the level of a compelling state interest, *WPEA*, 450 P.3d at 619  
20 (Wiggins, J. dissenting) (emphasis in original). Moreover, the public’s interest in disclosure is  
21 severely undercut by the potential liability of the affected public employers under the state-  
22 created danger doctrine.

1 Even if this interest is deemed to rise to the level of a compelling government interest, the  
2 release of all public employee records is not narrowly tailored to justify the blanket and  
3 automatic release of domestic violence survivors' records without giving them and their unions  
4 the opportunity to narrow the scope of the records release and assert the members' fundamental  
5 rights in their safety and bodily security. *See Kallstrom*, 136 F.3d at 1065 (holding that the  
6 automatic disclosure of the officers' personal information was not drawn narrowly enough to  
7 serve the State's interest in ensuring accountable governance). Thus, a Court should issue a  
8 preliminary injunction to allow this process of narrow tailoring to take place.

9 **E. A disclosure by the public employers of domestic violence victims' personal**  
10 **information infringes on the Plaintiffs' members' right of autonomous decision-**  
11 **making, and a state actor's infringement of this right cannot survive strict**  
12 **scrutiny.**

13 "Recognized as a fundamental right, the autonomy interest confers heightened  
14 constitutional protection. 'This right involves issues related to marriage, procreation, family  
15 relationships, child rearing and education.' Government action that infringes on this right  
16 receives strict scrutiny, and the State must identify a compelling governmental interest to justify  
17 such action." *WPEA*, 450 P.3d at 611-12 (citing *Whalen*, 429 U.S. at 600 n. 26). "Parents have a  
18 fundamental right to autonomy in child-rearing decisions, and this 'liberty' interest is protected  
19 as a matter of due process under the Fourteenth Amendment." *In re Parentage of C.A.M.A.*, 154  
20 Wn.2d 52, 57, 109 P.3d 405 (citing *In re Smith*, 137 Wn.2d 1, 13-15, 969 P.2d 21 (1998)).  
21 "[S]tate interference with this interest 'is justified only if the state can show that it has a  
22 compelling state interest involved.'" *Id.* Thus, the Court applies the strict scrutiny test. *Id.*

23 Here, the release of domestic violence survivors' personal information implicates the  
24 fundamental right of child rearing because releasing this information significantly constrains the  
parent and survivor of domestic violence from shielding her children from their abuser. Domestic

1 violence survivors have often gone through great lengths to hide their information not just on  
2 their own behalf but to protect their children as well. Releasing this information without allowing  
3 domestic violence survivors' unions to identify their domestic violence survivor members and  
4 prevent disclosure of their information, interferes with the members' fundamental right of child  
5 rearing.<sup>2</sup>

6 Analyzed under the strict scrutiny test, the release of domestic violence victims' personal  
7 information will violate Due Process. Despite the fact that the disclosure of this information may  
8 promote transparency and oversight, *see WPEA*, 450 P.3d at 614, this interest does not rise to the  
9 level of a compelling public interest. However, even assuming that this interest is compelling,  
10 the release of all public employee records is not narrowly tailored to justify the blanket and  
11 automatic release of domestic violence survivors' records without giving them and their unions  
12 the opportunity to narrow the scope of the records release and assert their fundamental right in  
13 their autonomy in children-rearing. Thus, release of this information is not in the public interest  
14 and poses substantial and irreparable harm by endangering domestic violence victims' and their  
15 families.

16 **II. The State must not disclose the domestic violence victims' records under RCW**  
17 **42.56.070(1) because that exemption incorporates the constitutional exemption.**

18 Here, unlike in *WPEA* which dealt with public employee rights in a generic sense, a  
19 domestic violence survivor exists in a particular set of circumstances that creates a fundamental  
20 right of privacy in their personally identifying records, release of which will jeopardize their  
21 lives and personal bodily safety, as is demonstrated in the constitutional analysis above. This

---

22 <sup>2</sup> Although the court in *Kallstrom* did not find the fundamental right to child rearing had been violated, *Kallstrom*  
23 did not involve domestic violence; thus, there had been no court order excluding an abuser from the plaintiffs'  
24 childrens' lives. Here, unlike in *Kallstrom* where the concerns for the plaintiffs' families were only incidental to the  
plaintiffs' own fear for their lives, 136 F.3d at 1061, the decision to exclude an abuser centers around the parents'  
independent fundamental right to autonomy in child-rearing decisions, and thus the public employees' fundamental  
autonomy rights are implicated.

1 right is then incorporated into the PRA's other statute exemption. *WPEA*, 450 P.3d 601, 612.

2 **CONCLUSION**

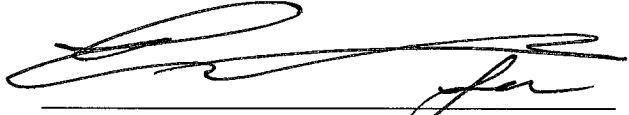
3 Based on the foregoing reasons, Plaintiff respectfully urges this Court to enter the  
4 proposed preliminary injunction order.

5 RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of January, 2020.

6 

7 Edward Earl Younglove III, WSBA #5873  
8 YOUNGLOVE & COKER, P.L.L.C.  
9 1800 Cooper Point Road Sw, Bldg 16  
10 Po Box 7846  
11 Olympia, Washington 98507-7846  
12 Tel: (360) 357-7791  
13 Fax: (360) 754-9268  
14 EdY@ylclaw.com

15 *Attorney for WFSE*

16 

17 Kathleen P. Barnard, WSBA No. 17896  
18 Melissa Greenberg, WSBA No. 54132  
19 **BARNARD IGLITZIN & LAVITT LLP**  
20 18 W Mercer St, Suite 400  
21 Seattle, WA 98119  
22 Tel: (206) 257-6002  
23 Fax: (206) 378-4132  
24 barnard@workerlaw.com  
greenberg@workerlaw.com

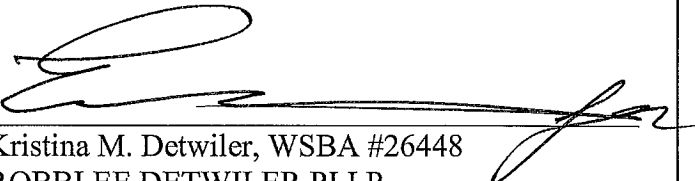
*Attorneys for WPEA, SEIU 925 and Teamsters 117,  
IUOE 609*

20 

21 HARRIET STRASBERG, WSBA #15890  
22 203 – Fourth Avenue E., Suite 520  
23 Olympia, WA 98501  
24 (360) 754-0304 Fax (360) 754-8416  
HStrasberg@comcast.net

*Attorney for Washington Education Association*

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



Kristina M. Detwiler, WSBA #26448  
ROBBLEE DETWILER PLLP  
2101 Fourth Ave., Ste. 100  
Seattle, WA 98121  
206-467-6700 (phone)  
206-467-7589 (fax)  
kdetwiler@unionattorneysnw.com

*Attorney for IBEW locals 483, 76 and 77 and UAPP  
32 and Seattle Building and Trades Council.*

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

**EXPEDITE**

No Hearing is set

Hearing is set:

Date: January 17, 2020

Time: 9:00 a.m.

Judge/Calendar: Judge Skinder

**SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY**

WASHINGTON FEDERATION OF STATE  
EMPLOYEES, et al.,

Plaintiffs,

v.

STATE OF WASHINGTON, et al.,

Defendants.

NO. 19-2-06100-34

SECOND DECLARATION OF LEANNE  
KUNZE IN SUPPORT OF MOTION TO  
EXTEND PRELIMINARY INJUNCTION

I, Leanne Kunze, make the following statement under penalty of perjury:

I am the Deputy Executive Director of the Washington Federation of State Employees (WFSE), a plaintiff in this matter. I am over the age of 18 and make this Second Declaration of my own personal knowledge and am competent to testify as to the matters herein.

1. The WFSE represents more than 40,000 employees of the State of Washington employed by government agencies and institutions, including higher education institutions.

2. Following the court's entry of a Preliminary Injunction enjoining the Freedom Foundation request for information about employees, including many state employees represented by



1 the WFSE, the WFSE has learned that the Freedom Foundation has submitted modified requests to  
2 state agencies that employ WFSE members which ask for information that would still assist a  
3 perpetrator in determining an employee's work location and enable them to perpetrate violence on the  
4 employee.

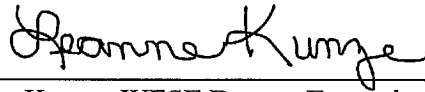
5 3. The latest Freedom Foundation request is for the employees first, middle and last name,  
6 their work email, the month and day of their birth and their bargaining unit. In many instances this  
7 information would give the perpetrator almost the exact same information about where the employee  
8 works as the previous request. The full name and the month and day of birth are specific enough to  
9 almost guarantee the person's identity, and the work email and/or bargaining unit often disclose the  
10 exact work location.

11 4. The information requested in this latest request by the Freedom Foundation would in  
12 some cases identify exactly where the employee's work location was since all the employees in some  
13 bargaining units represented by the WFSE work in the same physical location. The work email would  
14 serve the same purpose where all or almost all of an agencies employees work in the same location.

15 5. This latest request by the Freedom Foundation appears to the WFSE and its members  
16 to be a fairly blatant attempt to avoid the court's injunction that was entered to protect vulnerable  
17 employees from physical violence.

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

1 DATED this 8th day of January, 2020, at Olympia, Washington.

2 

3 

---

Leanne Kunze, WFSE Deputy Executive Director

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

1  
2  
3  
4  
5 **SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY**

6 WASHINGTON FEDERATION  
OF STATE EMPLOYEES, et al.,

7  
8 Plaintiffs,

9 v.

10 STATE OF WASHINGTON, et al.,

11 Defendants.

NO. 19-2-06100-34

DECLARATION OF FAXED  
DOCUMENT (DCLR)

[Attach as last page of Faxed Document]

12 Pursuant to the provisions of GR 17, I declare as follows:

13 I am a legal assistant at YOUNGLOVE & COKER, P.L.L.C. Our office received the  
14 foregoing facsimile transmission for filing and certify that it is on bond paper.

15 Our address is 1800 Cooper Point Road SW, Bldg. 16, Olympia, Washington, and our phone  
16 number is (360) 357-7791. The facsimile number where I received the document is (360) 754-9268.

17 I have examined the foregoing document, determined that it consists of 4 pages, including this  
18 Declaration page, and that it is complete and legible.

19 I declare under penalty of perjury under the laws of the state of Washington that the above is  
20 true and correct.

21 DATED this 9th day of January, 2020, at Olympia, Washington.

22  
  
\_\_\_\_\_  
AMBER DOWNS, Legal Assistant  
YOUNGLOVE & COKER, P.L.L.C.

<input checked="" type="checkbox"/> <b>EXPEDITE</b> <input type="checkbox"/> No Hearing is set <input checked="" type="checkbox"/> Hearing is set: Date: <u>January 17, 2020</u> Time: <u>9:00 a.m.</u> Judge/Calendar: <u>Skinder – Civil Mot Calendar</u>
--

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THURSTON COUNTY**

WASHINGTON FEDERATION OF STATE  
EMPLOYEES, *et al.*,

Plaintiffs,

v.

FREEDOM FOUNDATION, *et al*

Defendants.

**NO. 19-2-06100-34**

**SECOND DECLARATION OF  
MICHELLE WOODROW**

I, Michelle Woodrow, declare as follows:

1. I am President and Executive Director of Teamsters Local Union No. 117 (“Teamsters 117”). I am over the age of 18 and competent to testify to the contents of this declaration.
2. In addition to the previously named defendants DOC, UW, WA State Ferries, we also represent employees at the Washington State Printer, King County, Pierce County, Cities of Seattle, Tacoma, Auburn, Kent, Redmond, Black Diamond, Lakewood, Lake Forest Park, Pacific, Woodinville, Gig Harbor, Brier, Black Diamond, Seattle Housing Authority, SCORE, Tacoma-Pierce County Health Department, Tacoma-Pierce County

DECLARATION OF MICHELLE WOODROW  
Case No. 19-2-06100-34

18 WEST MERCER ST., STE. 400 **BARNAR**  
SEATTLE, WASHINGTON 98119 **IGLITZIN**  
TEL 800.238.4231 | FAX 206.378.4132 **LAVITT**

Humane Society, Town of Steilacoom, Washington State Convention Center, Water District 125, Woodland Park Zoo

3. I previously provided a declaration in this matter in which I laid out the concerns of Teamsters 117 with regard to the release of information concerning members who are domestic violence survivors.
4. Teamsters 117 has the same concerns with regard to a new set of requests for records made by the Freedom Foundation and directed to many of the public employers of our members, in which the Foundation asks for each employee's exact name, birthdate without the year, and work email address. This information is the type of information that will reveal the work location of our members.
5. Teamsters 117 is in the process of its outreach efforts to members whose information was sought in the original Foundation request and have identified many members whose information is qualified for protection.
6. Given that the second Foundation request has gone to many local government employers that were not part of the first request, Teamsters 117 will need time to do outreach to those members and to contact their employers concerning protection of their information.
7. I believe that Teamsters 117 can accomplish that by March 31, 2020.

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

Dated this 9th day of January, 2020.



Michelle Woodrow

1  
2  
3  
4  
5 **SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY**

6 WASHINGTON FEDERATION  
7 OF STATE EMPLOYEES, et al.,

8 Plaintiffs,

9 v.

10 STATE OF WASHINGTON, et al.,

11 Defendants.

NO. 19-2-06100-34

DECLARATION OF FAXED  
DOCUMENT (DCLR)

[Attach as last page of Faxed Document]

12 Pursuant to the provisions of GR 17, I declare as follows:

13 I am a legal assistant at YOUNGLOVE & COKER, P.L.L.C. Our office received the  
14 foregoing facsimile transmission for filing and certify that it is on bond paper.

15 Our address is 1800 Cooper Point Road SW, Bldg. 16, Olympia, Washington, and our phone  
16 number is (360) 357-7791. The facsimile number where I received the document is (360) 754-9268.  
17 I have examined the foregoing document, determined that it consists of 3 pages, including this  
18 Declaration page, and that it is complete and legible.

19 I declare under penalty of perjury under the laws of the state of Washington that the above is  
20 true and correct.

21 DATED this 9<sup>th</sup> day of January, 2020, at Olympia, Washington.

22   
\_\_\_\_\_  
AMBER DOWNS, Legal Assistant  
YOUNGLOVE & COKER, P.L.L.C.

<input type="checkbox"/> EXPEDITE
<input type="checkbox"/> No Hearing is set
<input checked="" type="checkbox"/> Hearing is set:
Date: <u>11/17/2020</u>
Time: <u>9:00 am</u>
Judge/Calendar: <u>Hon. Skinder</u>

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THURSTON COUNTY**

WASHINGTON FEDERATION OF STATE  
EMPLOYEES, *et al.*,

Plaintiffs,

v.

FREEDOM FOUNDATION, *et al*

Defendants.

**NO. 19-2-06100-34**

**DECLARATION OF KAREN  
HART**

I, Karen Hart, declare as follows:

1. I am the President of Service Employees International Union, Local 925 (SEIU 925) over the age of 18 and competent to testify to the contents of this declaration.
2. SEIU 925 represents thousands of public employees and statistically it is certain that among those thousands of public employees are hundreds if not thousands of domestic violence survivors who are taking similar steps to protect themselves and their families and for whom the release of the information requested will pose serious personal safety risks.

DECLARATION OF KAREN HART  
Case No. 19-2-06100-34

18 WEST MERCER ST., STE. 400 BARNABY

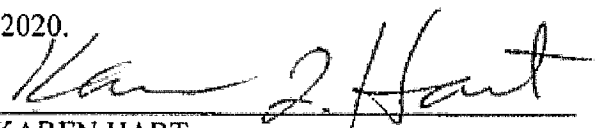
SEATTLE, WASHINGTON 98119 IGLITZ

TEL 800.238.4231 | FAX 206.378.4132 LAVITT

3. SEIU 925 also knows of specific domestic violence survivors and other workers, like civil commitment employees, who have taken steps to protect themselves from harm by individuals they came into contact with during their work. This issue is very real for our Union. In 2007 one of our members was brutally murdered by her stalker at her workplace, the University of Washington. This occurred despite our member having obtained an order of protection against the stalker.
4. In addition to the previously named defendant state public employers who employ our members, SEIU 925 represents employees of 30 school districts, many of whom have received a new Freedom Foundation request which asks for each employee's exact name, birthdate without the year, and work email address. This information is the type of information that will reveal the work location of our members.
5. SEIU 925 is in the process of its outreach efforts to members whose information was sought in the original Foundation request and have identified many members whose information is qualified for protection.
6. Given that the second Foundation request has gone to many of our school district employers that were not part of the first request, SEIU 925 will need time to do outreach to those members and to contact their employers concerning protection of their information.
7. I believe that SEIU 925 can accomplish that by March 31, 2020.

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

Dated this 9th day of January, 2020.

  
KAREN HART

DECLARATION OF KAREN HART  
Case No. 19-2-06100-34

18 WEST MERCER ST., STE. 400 BARNABY  
SEATTLE, WASHINGTON 98119 IGLITZ  
TEL 800.238.1231 | FAX 206.378.4132 LAVITT



1  
2  
3  
4  
5 **SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY**

6 WASHINGTON FEDERATION  
OF STATE EMPLOYEES, et al.,

7  
8 Plaintiffs,

9 v.

10 STATE OF WASHINGTON, et al.,

11 Defendants.

NO. 19-2-06100-34

DECLARATION OF FAXED  
DOCUMENT (DCLR)

[Attach as last page of Faxed Document]

12 Pursuant to the provisions of GR 17, I declare as follows:

13 I am a legal assistant at YOUNGLOVE & COKER, P.L.L.C. Our office received the  
14 foregoing facsimile transmission for filing and certify that it is on bond paper.

15 Our address is 1800 Cooper Point Road SW, Bldg. 16, Olympia, Washington, and our phone  
16 number is (360) 357-7791. The facsimile number where I received the document is (360) 754-9268.

17 I have examined the foregoing document, determined that it consists of 3 pages, including this  
18 Declaration page, and that it is complete and legible.

19 I declare under penalty of perjury under the laws of the state of Washington that the above is  
20 true and correct.

21 DATED this 9<sup>th</sup> day of January, 2020, at Olympia, Washington.

22  
  
\_\_\_\_\_  
AMBER DOWNS, Legal Assistant  
YOUNGLOVE & COKER, P.L.L.C.



1 institutions, WEA represents at least 2,216 community college faculty, 1,172 four-year college  
2 faculty, 74,078 certificated employees and 15,739 classified school employees.

3           3.       WEA is a labor organization which represents state employees employed by  
4 various agencies of the State, including the Bates Technical College, Bellevue College;  
5 Bellingham Technical College, Big Bend Community College; Central Washington University;  
6 Clark College; Columbia Basin College; Community Colleges of Spokane; Eastern Washington  
7 University, Evergreen State College; Green River Community College; Highline Community  
8 College; Lower Columbia College; Olympic College; Pierce College; Walla Walla Community  
9 College; Wenatchee Valley College and Western Washington University - Bellingham.

11           4.       WEA represents employees employed at the following Educational Service  
12 Districts (ESDs): ESD #101, ESD # 112 and Puget Sound ESD 121.

14           5.       WEA also represents employees in the following School Districts: ABERDEEN  
15 SD #5, ADNA SD #226, ALMIRA SD #17, ANACORTES SD #103, ARLINGTON SD #16, ASOTIN-  
16 ANATONE SD #420, AUBURN SD #408, BAINBRIDGE ISLAND SD #303, BATTLE GROUND SD #119,  
17 BELLEVUE SD #405, BELLINGHAM SD #501, BETHEL SD #403, BLAINE SD #503, BREMERTON SD  
18 #100-C, BREWSTER SD #111, BRIDGEPORT SD #75, BRINNON SD #46, BURLINGTON EDISON SD #100,  
19 CAMAS SD #117, CAPE FLATTERY SD #401, CASCADE SD #228, CASHMERE SD #222, CASTLE ROCK  
20 SD #401, CENTERVILLE SD #215, CENTRAL KITSAP SD #401, CENTRAL VALLEY SD #356,  
21 CENTRALIA SD #401, CHEHALIS SD #302, CHENEY SD #360, CHEWELAH SD #36, CHIMACUM SD #49,  
22 CLARKSTON SD #J 250-185, CLE ELUM-ROSLYN SD #404, CLOVER PARK SD #400, COLFAX SD #300,  
23 COLLEGE PLACE SD #250, COLTON SD #306, COLUMBIA (STEV) SD #206, COLUMBIA (WALLA) SD  
#400, COLVILLE SD #115, CONCRETE SD #11, CONWAY SD #317, COSMOPOLIS SD #99, COUPEVILLE

DECLARATION OF ARMAND L. TIBERIO - 2  
Case No. 19-2-06100-34

HARRIET STRASBERG  
ATTORNEY AT LAW  
203 - Fourth Ave. E., Suite 520  
Olympia, WA 98501  
TEL 360 754 0304 • Fax 360 754 8416  
HStrasberg@comcast.net

1 SD #204, CRESCENT SD #313, CRESTON SD #073, CUSICK SD #59, DAMMAN SD #7, DARRINGTON SD  
2 #330, DAVENPORT SD #207, DAYTON SD #2, DEER PARK SD #414, DIERINGER SD #343, EAST  
3 VALLEY SPOKANE SD #361, EAST VALLEY YAKIMA SD #90, EASTMONT SD #206, EASTON SD #28,  
4 EATONVILLE SD #404, EDMONDS SD #15, ELLENSBURG SD #401, ELMA SD #68, ENDICOTT SD #308,  
5 ENTIAT SD #127, ENUMCLAW SD #216, EPHRATA SD #165, EVERETT SD #2, EVERGREEN (CLARK)  
6 SD #114, EVERGREEN (STEVENS) SD #205, FEDERAL WAY SD #210, FERNDALE SD #502, FIFE SD  
7 #417, FINLEY SD #53, FRANKLIN PIERCE SD #402, FREEMAN SD #358, GARFIELD SD #302,  
8 GOLDENDALE SD #404, GRAND COULEE DAM SD #301J, GRANDVIEW SD #116-200, GRANGER SD  
9 #204, GRANITE FALLS SD #332, GRAPEVIEW SD #54, GREAT NORTHERN SD #312, GREEN  
10 MOUNTAIN SD #103, GRIFFIN SD #324, HARRINGTON SD #204, HIGHLAND SD #203, HIGHLINE SD  
11 #401, HOCKINSON SD #98, HOOD CANAL SD #404, HOQUIAM SD #28, INCHELIUM SD #70, ISSAQUAH  
12 SD #411, KAHLOTUS SD #56, KALAMA SD #402, KELLER SD #3, KELSO SD #458, KENNEWICK SD #17,  
13 KENT SD #415, KETTLE FALLS SD #212, KIONA BENTON SD #52, KITITITAS SD #403, KLUCKITAT SD  
14 #402, LA CENTER SD #101, LA CONNER SD #311, LACROSSE SD #126, LAKE CHELAN SD #129, LAKE  
15 QUINAULT SD #97, LAKE STEVENS SD #4, LAKE WASHINGTON SD #414, LAKEWOOD SD #306,  
16 LAMONT SD #264, LIBERTY SD #362, LIND SD #158, LONGVIEW SD #122, LOON LAKE SD #183,  
17 LOPEZ ISLAND SD #144, LYLE SD #406, LYNDEN SD #504, MABTON SD #120, MANSFIELD SD #207,  
18 MANSON SD #19, MARY M KNIGHT SD #311, MARY WALKER SD #207, MARYSVILLE SD #25, MC  
19 CLEARY SD #65, MEAD SD #354, MEDICAL LAKE SD #326, MERCER ISLAND SD #400, MERIDIAN SD  
20 #505, METHOW VALLEY SD #350, MONROE SD #103, MONTESANO SD #66, MORTON SD #214, MOSES  
21 LAKE SD #161, MOSSYROCK SD #206, MOUNT ADAMS SD #209, MOUNT BAKER SD #507, MOUNT  
22 PLEASANT SD #29-93, MOUNT VERNON SD #320, MUKILTEO SD #6, NACHES VALLEY SD #3,  
23 NAPAVINE SD #14, NASELLE GRAYS RIVER VALLEY SD #155, NESPELEM SD #14, NEWPORT SD #56-  
415, NINE MILE FALLS SD #325, NOOKSACK VALLEY SD #506, NORTH BEACH SD #64, NORTH

DECLARATION OF ARMAND L. TIBERIO - 3  
Case No. 19-2-06100-34

HARRIET STRASBERG  
ATTORNEY AT LAW  
203 - Fourth Ave. E., Suite 520  
Olympia, WA 98501  
TEL 360 754 0304 • Fax 360 754 8416  
HStrasberg@comcast.net

1 FRANKLIN SD #J51-162, NORTH KITSAP SD #400, NORTH MASON SD #403, NORTH RIVER SD #200,  
2 NORTH THURSTON SD #3, NORTHPORT SD #211, NORTHSHORE SD #417, OAK HARBOR SD #201,  
3 OAKESDALE SD #324, OAKVILLE SD #400, OCEAN BEACH SD #101, OCOSTA SD #172, ODESSA SD  
4 #105-157-166J, OKANOGAN SD #105, OLYMPIA SD #111, OMAK SD #19, ONALASKA SD #300, ONION  
5 CREEK SD #30, ORCAS ISLAND SD #137, ORIENT SD #65, ORONDO SD #13, OROVILLE SD #410,  
6 ORTING SD #344, OTHELLO SD #147-163-55, PALOUSE SD #301, PASCO SD #1, PATEROS SD #122, PE  
7 ELL SD #301, PENINSULA SD #401, PIONEER SD #402, POMEROY SD #110, PORT ANGELES SD #121,  
8 PORT TOWNSEND SD #50, PRESCOTT SD #402-37, PROSSER SD #116, PULLMAN SD #267, PUYALLUP  
9 SD #3, QUEETS-CLEARWATER SD #20, QUILCENE SD #48, QUILLAYUTE VALLEY SD #402, QUINCY  
10 SD #144-101, RAINIER SD #307, RAYMOND SD #116, REARDAN-EDWALL SD #9, RENTON SD #403,  
11 REPUBLIC SD #309, RICHLAND SD #400, RIDGEFIELD SD #122, RITZVILLE SD #160-67, RIVERSIDE SD  
12 #416, RIVERVIEW SD #407, ROCHESTER SD #401, ROSALIA SD #320, ROYAL SD #160, SAN JUAN  
13 ISLAND SD #149, SEATTLE SD #1, SEDRO WOOLLEY SD #101, SELAH SD #119, SELKIRK SD #70,  
14 SEQUIM SD #323, SHELTON SD #309, SHORELINE SD #412, SKYKOMISH SD #404, SNOHOMISH SD  
15 #201, SNOQUALMIE VALLEY SD #410, SOAP LAKE SD #156, SOUTH BEND SD #118, SOUTH KITSAP  
16 SD #402, SOUTH WHIDBEY SD #206, SOUTHSIDE SD #42, SPOKANE SD #81, SPRAGUE SD #8,  
17 STANWOOD-CAMANO SD #401, STEILACOOM HISTORICAL SD #1, STEVENSON-CARSON SD #303,  
18 SULTAN SD #311, SUMNER-BONNEY LAKE SD #320, SUNNYSIDE SD #201, TACOMA SD #10,  
19 TAHOLAH SD #77, TAHOMA SD #409, TEKOA SD #265, TENINO SD #402, THORP SD #400, TOLEDO SD  
20 #237, TONASKET SD #404, TOPPENISH SD #202, TOUCHET SD #300, TOUTLE LAKE SD #130, TROUT  
21 LAKE SD #R-400, TUKWILA SD #406, TUMWATER SD #33, UNION GAP SD #2, UNIVERSITY PLACE SD  
22 #83, VALLEY SD #070, VANCOUVER SD #37, VASHON ISLAND SD #402, WAHKIAKUM SD #200,  
23 WAHLUKE SD #73, WAITSBURG SD #401, WALLA WALLA SD #140, WAPATO SD #207, WARDEN SD  
#146-161, WASHOUGAL SD #112-6, WASHTUCNA SD #109-43, WATERVILLE SD #209, WELLPINT SD

DECLARATION OF ARMAND L. TIBERIO - 4  
Case No. 19-2-06100-34

HARRIET STRASBERG  
ATTORNEY AT LAW  
203 - Fourth Ave. E., Suite 520  
Olympia, WA 98501  
TEL 360 754 0304 • Fax 360 754 8416  
HStrasberg@comcast.net

1 #49, WENATCHEE SD #246, WEST VALLEY (SPOK) #363, WEST VALLEY (YAK) SD #208, WHITE PASS  
2 SD #303, WHITE RIVER SD #416, WHITE SALMON SD #405, WILBUR SD #200, WILLAPA VALLEY SD  
3 #160, WILSON CREEK SD #167-202, WINLOCK SD #232, WISHKAH VALLEY SD #117, WISHRAM SD  
4 #94, WOODLAND SD #404, YAKIMA SD #7, YELM SD #2, and ZILLAH SD #205.

5 1. Following this court's entry of a Preliminary Injunction enjoining the Freedom  
6 Foundation request for information about employees, including many state employees  
7 represented by the WEA, WEA has learned that the Freedom Foundation has submitted new  
8 requests to virtually every school district in the state as well as 3 Educational Service Districts  
9 that employ WEA members. These new requests ask for information that would assist a  
10 perpetrator in determining an employee's work location and enable them to perpetrate domestic  
11 violence on the employee. It may be that the Freedom Foundation also sent new requests to the  
12 Colleges that have been previously enjoined from releasing records in the December 27, 2019  
13 Preliminary Injunction.  
14

15 2. These new Freedom Foundation requests the following for each employee: their  
16 first, middle and last name, their work email, the month and day of their birth and their  
17 bargaining unit. In many instances this information would give the perpetrator almost the exact  
18 same information about where the employee works as the previous request. The full name and  
19 the month and day of birth are specific enough to almost guarantee the person's identity and the  
20 work email and/or bargaining unit often disclose the exact work location.  
21

22 3. This new request by the Freedom Foundation appears to WEA and its members to  
23 be a fairly blatant attempt to avoid the court's injunction that was entered to protect vulnerable

1 employees from physical violence.

2 4. WEA represents thousands of public employees and anecdotally and statistically  
3 it is certain that among those thousands of public employees are hundreds if not thousands of  
4 domestic violence survivors who wish to take steps to protect themselves and their families and  
5 for whom the release of the information requested will pose serious personal safety risks. These  
6 employees include victims of domestic violence, some of whom are actively seeking to keep  
7 their presence known from the perpetrators of the violence done to them and who are fearful that  
8 if their whereabouts are made known to them or even generally known that their safety and even  
9 their very lives may be in danger.  
10

11 5. WEA is concerned that members who are domestic violence survivors will be  
12 endangered if their information is released. Members who are domestic violence survivors do  
13 not know that they are entitled to protection, or how to access it. WEA has begun reaching out  
14 to its members to confidentially identify domestic violence survivors who wish to receive  
15 protection from disclosure of their information.  
16

17 6. WEA and its members are concerned that disclosure of the birthdates of its  
18 members linked to their workplace could lead to acts of violence against domestic violence  
19 victims at work, endangering not only the intended victim but co-workers as well.  
20

21 I declare under penalty of perjury under the laws of the state of Washington that the  
22 foregoing is true and correct.  
23

DECLARATION OF ARMAND L. TIBERIO - 6  
Case No. 19-2-06100-34

HARRIET STRASBERG  
ATTORNEY AT LAW  
203 - Fourth Ave. E., Suite 520  
Olympia, WA 98501  
TEL 360 754 0304 • Fax 360 754 8416  
HStrasberg@comcast.net





1  
2  
3  
4  
5 **SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY**

6 WASHINGTON FEDERATION  
OF STATE EMPLOYEES, et al.,

7 Plaintiffs,

8 v.

9 STATE OF WASHINGTON, et al.,

10 Defendants.  
11

NO. 19-2-06100-34

DECLARATION OF FAXED  
DOCUMENT (DCLR)

[Attach as last page of Faxed Document]

12 Pursuant to the provisions of GR 17, I declare as follows:

13 I am a legal assistant at YOUNGLOVE & COKER, P.L.L.C. Our office received the  
14 foregoing facsimile transmission for filing and certify that it is on bond paper.

15 Our address is 1800 Cooper Point Road SW, Bldg. 16, Olympia, Washington, and our phone  
16 number is (360) 357-7791. The facsimile number where I received the document is (360) 754-9268.

17 I have examined the foregoing document, determined that it consists of 8 pages, including this  
18 Declaration page, and that it is complete and legible.

19 I declare under penalty of perjury under the laws of the state of Washington that the above is  
20 true and correct.

21 DATED this 9<sup>th</sup> day of January, 2020, at Olympia, Washington.

22   
\_\_\_\_\_  
AMBER DOWNS, Legal Assistant  
YOUNGLOVE & COKER, P.L.L.C.

1  **EXPEDITE**

2  No Hearing is set

3  Hearing is set:

4 Date: January 17, 2020

5 Time: 9:00 a.m.

6 Judge/Calendar: Skinder

**PROPOSED**

8 **SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY**

9 WASHINGTON FEDERATION OF STATE  
EMPLOYEES, et al.,

10 Plaintiffs,

11 v.

12 STATE OF WASHINGTON, et al.,

13 Defendants.

NO. 19-2-06100-34

ORDER EXTENDING  
PRELIMINARY INJUNCTION

14 This matter having come on before the above entitled court pursuant to the Motion for Order  
15 Extending Preliminary Injunction to include the additional named defendants from releasing  
16 employees' full names, birthdates, duty station/location and work email addresses and bargaining unit  
17 pursuant to the request of the defendant Freedom Foundation and to further enjoin all named defendants  
18 from releasing employees full names, month and day of birth, work email and bargaining unit indicator,  
19 information requested in the defendant Freedom Foundation's request subsequent to the court's  
20 Preliminary Injunction; the plaintiffs appearing by and through their attorneys of record Edward Earl  
21 Younglove III of Younglove & Coker, PLLC, Kathleen P. Barnard of Barnard, Iglitzin & Lavitt, LLP,  
22 and Harriet Strasberg, Attorney at Law; the court having reviewed the records and files herein,

1 including the Second Declarations of Leanne Kunze and Michelle Woodrow and the Declarations of  
2 Armand L. Tiberio, Karen Hart, having heard the arguments of counsel and being otherwise fully  
3 advised in the premises, and finding that the plaintiffs have sufficiently established that disclosure  
4 would not be in the public interest and unless enjoined the employees represented by plaintiffs will  
5 suffer substantial and irreparable harm, now, therefore, it is hereby

6 ORDERED that the Preliminary Injunction issued by the court on December 27, 2019 shall  
7 remain in full force and effect and shall further enjoin the additional defendants in the plaintiffs' Second  
8 Amended Complaint. It is further,

9 ORDERED that all the named defendants in the plaintiffs' Second Amended Complaint be and  
10 they hereby are also enjoined from releasing or disclosing the names, birth month and day, work email  
11 and bargaining unit indicator of their employees represented by any of the plaintiffs and that the  
12 requests seeking that information are subject to the process set forth in this court's order of December  
13 27, 2019. It is further,

14 ORDERED that this matter come back on before the above entitle court pursuant to the  
15 schedule and terms set forth in the Order Granting Preliminary Injunction entered on December 27,  
16 2019.

17 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

18  
19  
20 \_\_\_\_\_  
JUDGE

1 Presented by:

2 YOUNGLOVE & COKER, P.L.L.C.

3  
4 

---

Edward Earl Younglove III, WSBA #5873  
Attorney for Plaintiffs

5 BARNARD IGLITZIN & LAVITT LLP

6  
7 

---

Kathleen P. Barnard, WSBA #17896  
8 Barnard Iglitzin & Lavitt LLP  
9 18 W Mercer Street, Suite 400  
Seattle, WA 98119  
(206) 257-6002 Fax (206) 257-6037

10 HARRIET STRASBERG

11  
12 

---

Harriet Kay Strasberg, WSBA #15890  
13 203 – Fourth Avenue E., Suite 520  
Olympia, WA 98501  
14 (360) 754-0304 Fax (360) 754-8416  
Attorney for the Washington Education Association

15 ROBBLEE DETWILER PLLP

16  
17 

---

Kristina M. Detwiler, WSBA #26448  
18 2101 Fourth Ave., Ste. 100  
Seattle, WA 98121  
19 (206) 467-6700 Fax (206) 467-7589

1 SUMMIT LAW GROUP, PLLC

2  
3 \_\_\_\_\_  
4 Jessica L. Goldman, WSBA #21856  
5 315 Fifth Avenue Sourt, Suite 1000  
6 Seattle, WA 98104  
7 (206) 676-7000 Fax (206) 676-7001  
8 Jessica L. Goldman – [jessica@summitlaw.com](mailto:jessica@summitlaw.com)  
9 Sharon K. Hendricks – [sharonh@summitlaw.com](mailto:sharonh@summitlaw.com)

10 LAW, LYMAN, DANIEL KMERRER & BOGDANOVICH, P.S.

11 \_\_\_\_\_  
12 Don G. Daniel, WSBA #12508  
13 Jeffrey S. Meyers, WSBA #16390  
14 PO Box 11880  
15 Olympia, WA 98508-1880  
16 (360) 754-3480 Fax (360) 754-3511  
17 Email: [ddaniel@lldkb.com](mailto:ddaniel@lldkb.com)

18 Approved as to form and for entry,  
19 notice of presentation waived:

20 \_\_\_\_\_  
21 Ohad Lowy, WSBA #33128  
22 Assistant Attorney General  
Attorney for Defendant State

\_\_\_\_\_

Evelyn Fielding Lopez, WSBA # 18900  
Assistant Attorney General

\_\_\_\_\_

Sydney Phillips, WSBA #54295  
Attorney for Defendant Freedom Foundation

1  **EXPEDITE**

2  No Hearing is set

3  Hearing is set:

4 Date: January 17, 2020

5 Time: 9:00 a.m.

6 Judge/Calendar: Skinder – Civil Mot Calendar

7 **SUPERIOR COURT OF WASHINGTON**  
8 **FOR THURSTON COUNTY**

9 WASHINGTON FEDERATION  
10 OF STATE EMPLOYEES, et al.,

11 Plaintiffs,

12 v.

13 STATE OF WASHINGTON, et al.,

14 Defendants.

NO. 19-2-06100-34

DECLARATION OF SERVICE

15 I, AMBER DOWNS, LEGAL ASSISTANT, declare that I electronically served, pursuant to the  
16 parties' electronic service agreement, true and correct copies of the Notice of Hearing for Civil Matters,  
17 Summons, Second Amended Complaint for Declaratory and Injunctive Relief with Exhibits 1 through  
18 6, Motion for Order Extending Preliminary Injunction, Brief In Support of Motion for a Preliminary  
19 Injunction, Second Declaration of Leanne Kunze In Support of Motion to Extend Preliminary  
20 Injunction, Second Declaration of Michelle Woodrow In Support Of Motion to Extend Preliminary  
21 Injunction, Declaration of Armand L. Tiberio, and Declaration of Karen Hart, Proposed Order  
22 Extending Preliminary Injunction, Notice of Assignment and Notice of Scheduling Conference Public

1 Records Act, Hearing Continued/Stricken, and Scheduling Questionnaire on all parties or their counsel  
2 of record on the date below:

3 1. Plaintiffs, Washington Public Employees Association (“WEPA”), Service  
4 Employees International Union 925 (SEIU 925”) and Teamsters Local Union No. 117 (Teamsters  
5 117”) are represented by:

6 Kathleen P. Barnard, WSBA #17896  
7 Melissa Greenberg, WSBA #54132  
8 Barnard Iglitzin & Lavitt LLP  
9 18 W Mercer Street, Suite 400  
10 Seattle, WA 98119  
11 (206) 257-6002 Fax (206) 257-6037  
12 [barnard@workerlaw.com](mailto:barnard@workerlaw.com)  
13 Kathleen P. Barnard – [barnard@workerlaw.com](mailto:barnard@workerlaw.com)  
14 Melissa Greenberg – [greenberg@workerlaw.com](mailto:greenberg@workerlaw.com)  
15 Esmeralda Valenzuela – [valenzuela@workerlaw.com](mailto:valenzuela@workerlaw.com)

16 2. Plaintiff, Washington Education Association (WEA”), is represented by:

17 Harriet Strasberg, WSBA #15890  
18 203 Fourth Avenue E, Ste. 520  
19 Olympia, WA 98501  
20 (360) 754-0304  
21 Harriet Strasberg – [HStrasberg@comcast.net](mailto:HStrasberg@comcast.net)

22 3. Defendant, State of Washington (the “State”), is represented by:

Ohad M. Lowy, WSBA #33128  
Shawn Horlacher, WSBA #45064  
Stacey McGahey  
Carly Gubser  
Assistant Attorneys General  
PO Box 40145  
Olympia, WA 98504-1045  
(360) 664-4767  
Ohad M. Lowy – [ohad.lowy@atg.wa.gov](mailto:ohad.lowy@atg.wa.gov)  
Shawn Horlacher – [shawn.horlacher@atg.wa.gov](mailto:shawn.horlacher@atg.wa.gov)  
Stacey McGahey – [stacey.mcgahay@atg.wa.gov](mailto:stacey.mcgahay@atg.wa.gov)  
Carly Gubser – [carly.gubser@atg.wa.gov](mailto:carly.gubser@atg.wa.gov)

1           4.       Defendant, Washington State Department of Retirement Systems (DRS’), is  
2 represented by:

3 Evelyn Fielding Lopez, WSBA #18900  
4 Assistant Attorney General  
5 PO Box 40123  
6 Olympia, WA 98504-0123  
7 (360) 664-9426  
8 Evelyn Fielding Lopez – [EvelynFielding.Lopez@atg.wa.gov](mailto:EvelynFielding.Lopez@atg.wa.gov)  
9 Ebonne Robinson - [Ebonne.Robinson@atg.wa.gov](mailto:Ebonne.Robinson@atg.wa.gov)

10           5.       Defendant, Freedom Foundation is represented by:

11 Sydney Phillips, WSBA #54295  
12 Robert Bouvatte, WSBA #50220  
13 PO Box 552  
14 Olympia, WA 98507  
15 (360) 956-3482 Fax (360) 352-1874  
16 Eric Stahlfeld – [ESTahlfeld@freedomfoundation.com](mailto:ESTahlfeld@freedomfoundation.com)  
17 Sydney Phillips – [SPhillips@freedomfoundation.com](mailto:SPhillips@freedomfoundation.com)  
18 Robert Bouvatte – [RBouvatte@freedomfoundation.com](mailto:RBouvatte@freedomfoundation.com)  
19 Jennifer Matheson – [JMatheson@freedomfoundation.com](mailto:JMatheson@freedomfoundation.com)

20           6.       Defendant, Kitsap Regional Library is represented by:

21 Jessica L. Goldman, WSBA #21856  
22 Summit Law Group, PLLC  
23 315 Fifth Avenue Sourt, Suite 1000  
24 Seattle, WA 98104  
25 (206) 676-7000 Fax (206) 676-7001  
26 Jessica L. Goldman – [jessica@summitlaw.com](mailto:jessica@summitlaw.com)  
27 Sharon K. Hendricks – [sharonh@summitlaw.com](mailto:sharonh@summitlaw.com)

28           7.       Defendant, Intercity Transit is represented by:

29 Don G. Daniel, WSBA #12508  
30 Jeffrey S. Meyers, WSBA #16390  
31 Law, Lyman, Daniel Kmerrer & Bogdanovich, P.S.  
32 PO Box 11880  
33 Olympia, WA 98508-1880  
34 (360) 754-3480 Fax (360) 754-3511  
35 Email: [ddaniel@lldkb.com](mailto:ddaniel@lldkb.com)



1           8.       Defendant, IBEW locals 483, 76 and 77 and UAPP 32 and Seattle Building and  
2 Trades Council is represented by:

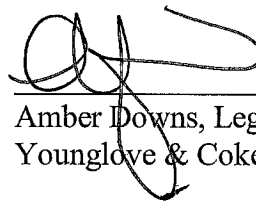
3 Kristina M. Detwiler, WSBA #26448  
4 2101 Fourth Ave., Ste. 100  
5 Seattle, WA 98121  
6 (206) 467-6700 Fax (206) 467-7589  
7 kdetwiler@unionattorneysnw.com

8           9.       Defendant, Island Hospital is represented by:

9 Jeffrey A. James, WSBA #18277  
10 Matthew W. Lynch, WSBA #15336  
11 Matthew R. Kelly, WSBA #48050  
12 Sebris Busto James  
13 14205 SE 36<sup>th</sup> Street, Suite 325  
14 Bellevue, Washington  
15 (425) 454-4233  
16 Jeffrey A. James – jaj@sebrisbusto.com  
17 Matthew W. Lynch – mlynch@sebrisbusto.com  
18 Matthew R. Kelly – mkelly@sebrisbusto.com

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

21           Dated this 9th day of January, 2020, at Olympia, Washington.

22  


Amber Downs, Legal Assistant  
Younglove & Coker, P.L.L.C.

FILED

DEC 18 2019

Superior Court  
Linda Myhre Enlow  
Thurston County Clerk

SUPERIOR COURT OF WASHINGTON  
IN AND FOR THURSTON COUNTY

WASHINGTON FEDERATION OF STATE  
EMPLOYEES  
VS  
STATE OF WASHINGTON

No. 19-2-06100-34  
NOTICE OF ASSIGNMENT AND NOTICE OF  
SCHEDULING CONFERENCE  
PUBLIC RECORDS ACT

TO: THURSTON COUNTY CLERK  
ATTORNEYS/LITIGANTS

PLEASE TAKE NOTICE:

1. That the above-noted case number is assigned to: **The Honorable John C Skinder**
2. That the scheduling conference date for this case is: **January 10, 2020 9:00 a.m.**

**This is a Public Records Act case. Court procedures require:**

1. The plaintiff shall provide this notice to all parties when the complaint or motion is served. If service of the complaint or motion is completed before the case is filed, plaintiff shall provide the notice by delivery, mail, facsimile, or e-mail within five days after filing the case.
2. If a defendant or intervenor has not been served by the time of the scheduling conference, the scheduling conference may be continued up to 21 days.
3. The scheduling conference will be held before the assigned judge and will be used to:
  - a. Identify issues in dispute;
  - b. Set a hearing date and briefing schedule for resolution of issues;
  - c. Determine whether in camera review is likely to be needed and, if necessary, order the protocol for submission of the records to be reviewed; and
  - d. Refer to mediation if appropriate.
4. Nothing in these procedures affects the right of any party to schedule a hearing to show cause or enjoin, or any other hearing authorized by law or rule.

Dated on this the 18th day of December, 2019.

NOTICE OF ASSIGNMENT

THURSTON COUNTY SUPERIOR COURT  
2000 LAKERIDGE DR SW  
OLYMPIA WA 98502

**SUPERIOR COURT OF WASHINGTON  
IN AND FOR THURSTON COUNTY**

WASHINGTON FEDERATION OF  
STATE EMPLOYEES, et al.,  
Plaintiff/Petitioner,

vs.

STATE OF WASHINGTON, et al.,  
Defendant/Respondent.

No. 19-2-06100-34

**HEARING CONTINUED/STRICKEN**

**Assigned Judge: Honorable John C Skinder  
(Clerk's Action Required)**

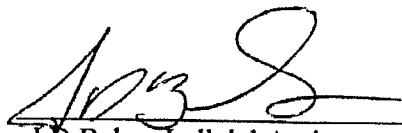
**Session: Civil Motion Calendar**

The PRA Scheduling Conference hearing scheduled for January 10, 2020 is:

**Stricken at the direction of the Honorable John C. Skinder:**

- Court's Request: Order Granting Preliminary Injunction enter  
December 27, 2019. Case set for hearing on March 6, 2020.

DATED: 7th day of January, 2020

  
\_\_\_\_\_  
JD Bales, Judicial Assistant

Hearing Continued/Stricken

THURSTON COUNTY SUPERIOR COURT  
2000 Lakeridge Dr. S.W., Bldg 2  
Olympia, WA 98502  
(360) 786-5560

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

Copy Received

Clerk's Stamp

**SUPERIOR COURT OF WASHINGTON  
IN AND FOR THURSTON COUNTY**

\_\_\_\_\_  
Plaintiff / Petitioner  
vs.  
\_\_\_\_\_  
Defendant / Respondent

No. \_\_\_\_\_  
**SCHEDULING QUESTIONNAIRE SUBMITTED BY:**  
 Plaintiff/Petitioner/Appellant (file 5 court days before trial setting)  
 Defendant/Respondent (file 2 court days before trial setting)  
 Joint Submission or  Other Party: \_\_\_\_\_ (file 2 court days before trial setting)

**See Local Court Rule 40 to learn how the court schedules cases.**

1. Will this be a  bench trial,  jury trial, or  appeal from lower court or agency?
2. What type of case is this (for example, contract, tort)? \_\_\_\_\_
3. What is the trial setting date for this case? \_\_\_\_\_
4. How long do you estimate the trial or final hearing will take? \_\_\_\_\_ hours **or** \_\_\_\_\_ days.
5. If this is an appeal, has the appellate record (including any transcript) been delivered to the court clerk, or is there a separate certification that the record at this court is complete?  Yes  No
6. Have all of the defendants or respondents been served?  Yes  No
7. When do you anticipate this case will be ready for trial? \_\_\_\_\_
8. When are you **unavailable** for trial in the next 24 months? (attach unavailable dates).
9. Is this case subject to mandatory arbitration?  Yes  No  Don't know
10. Should this case be scheduled as a priority or does this case require special management by the judge?  No  Yes (explain):  
\_\_\_\_\_

**Date:** \_\_\_\_\_

SIGNED/Bar No.: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone No: \_\_\_\_\_  
E-mail address: \_\_\_\_\_

SIGNED/Bar No.: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone No. \_\_\_\_\_  
E-mail address: \_\_\_\_\_