

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

**Justin Carey; JoBeth Deibel;
David Gaston; Roger Kinney; and
Keith Sanborn**, as individuals, and
on behalf of all others similarly situ-
ated,

Plaintiffs,

v.

Jay Inslee, in his official capacity of
Governor of the State of
Washington; **David Schumacher**, in
his official capacity as director of the
Office of Financial Management; and
**Washington Education
Association**,

Defendants.

Case No. _____

Plaintiffs' Class-Action Complaint

1 Justin Carey, JoBeth Deibel, David Gaston, Roger Kinney, and Keith Sanborn are
2 public-school teachers who bring this class action on behalf of themselves and all others
3 similarly situated, seeking redress for the defendants' past and ongoing violations of their

1 constitutionally protected rights. The defendants have violated the representative plain-
2 tiffs' constitutional rights by forcing them to pay compulsory "agency fees" to the Wash-
3 ington Education Association as a condition of their employment, even though the rep-
4 resentative plaintiffs do not belong to this union and do not wish to subsidize the union's
5 activities. The representative plaintiffs seek a refund of all unlawfully collected agency
6 fees, an injunction that forbids the defendants to collect union fees from nonmembers
7 without their consent, and costs and attorneys' fees under 42 U.S.C. § 1988.

8 JURISDICTION AND VENUE

9 1. The Court has subject-matter jurisdiction under 28 U.S.C. § 1331 and 28
10 U.S.C. § 1343.

11 2. Venue is proper because a substantial part of the events giving rise to the claims
12 occurred in this judicial district. *See* 28 U.S.C. § 1391(b)(2).

13 3. Venue is additionally proper because the all of the defendants are residents of
14 Washington and at least one of the defendants resides in this judicial district. *See* 28
15 U.S.C. § 1391(b)(1).

16 4. Because claims arose in Thurston County, assignment to the Tacoma Division
17 is proper. *See* Local Civil Rule 3(e)(1).

18 PARTIES

19 5. Plaintiff Justin Carey resides in Franklin County, Washington.

20 6. Plaintiff JoBeth Deibel resides in Spokane County, Washington.

21 7. Plaintiff David Gaston resides in Thurston County, Washington.

22 8. Plaintiff Roger Kinnery resides in Skagit County, Washington.

23 9. Plaintiff Keith Sanborn resides in Whatcom County, Washington.

1 10. Defendant Jay Inslee is the Governor of the State of Washington. His office is
2 in Olympia, Washington. Governor Inslee is the representative of the State and is sued
3 in his official capacity.

4 11. Defendant David Schumacher is the Director of the Washington State Office of
5 Financial Management. He is charged with negotiating and enforcing collective-bargain-
6 ing agreements on behalf of the governor pursuant to RCW 41.80.010. These respon-
7 sibilities are handled by the Labor Relations Division of the Office of Financial Manage-
8 ment, over which Schumacher exerts direct authority. He is sued in his official capacity.

9 12. Defendant Washington Education Association (WEA) is a labor union whose
10 offices are located at 32032 Weyerhauser Way South, Federal Way, WA, 98001-9687.

11 **STATEMENT OF THE CLAIM**

12 13. Mr. Carey is a public-school teacher employed by the Pasco School District, in
13 a local bargaining unit affiliated with the Washington Education Association. He has
14 taught in the Washington public schools for nearly 16 years. Mr. Carey refuses to join
15 the WEA or its affiliates.

16 14. Ms. Deibel is a public-school teacher employed by the Central Valley School
17 District, in a local bargaining unit affiliated with the Washington Education Association.
18 She has taught in the Washington public schools for nearly 30 years. Ms. Deibel refuses
19 to join the WEA or its affiliates because these entities endorse and advocate moral and
20 political views that are contrary to Ms. Deibel's beliefs.

21 15. Mr. Gaston is a public-school teacher employed by the Olympia School District,
22 in a local bargaining unit affiliated with the Washington Education Association. He has
23 taught in the Washington public schools for nearly 30 years. Mr. Gaston refuses to join
24 the WEA or its affiliates because of their support for political candidates and issues that
25 are contrary to his beliefs.

1 16. Mr. Kinney is a public-school teacher employed by the Burlington-Edison
2 School District, in a local bargaining unit affiliated with the Washington Education As-
3 sociation. He has taught in the Washington public schools for nearly 29 years. Mr. Kin-
4 ney refuses to join the WEA or its affiliates because of their support for political causes
5 that contravene his moral beliefs.

6 17. Mr. Sanborn is a public-school teacher employed by the Blaine School District,
7 in a local bargaining unit affiliated with the Washington Education Association. He has
8 taught in the Washington public schools for nearly 14 years. Mr. Sanborn refuses to join
9 the WEA or its affiliates and believes that membership in any union should be voluntary.

10 18. Even though none of the representative plaintiffs are members of the Washing-
11 ton Education Association or their local bargaining unit, each of them is compelled to
12 pay an “agency fee” to the Washington Education Association as a condition of their
13 employment. *See* RCW 41.59.060; RCW 41.59.100; RCW 28B.52.045 (attached as
14 Exhibit 1); Letter from Armand L. Tiberio, Executive Director of WEA, to Agency Fee
15 Payers (December 8, 2017) (attached as Exhibit 2).

16 19. The representative plaintiffs do not wish to pay this “agency fee” because they
17 disapprove of the Washington Education Association’s activities and do not wish to sub-
18 sidize them in any way. The compelled subsidy that the representative plaintiffs and their
19 fellow class members must pay to the Washington Education Association as a condition
20 of their employment violates their constitutional rights.

21 20. Although the Washington Education Association allows nonmembers to seek
22 partial refunds of their compelled agency fees and allows them to insist that their contri-
23 butions will be used only to support the union’s collective-bargaining activities, this does
24 not alleviate the defendants’ constitutional violations. *See* Exhibit 2 at 2–4. A public-
25 employee union’s collective-bargaining activities are no less political than its lobbying

1 and electioneering activities, as all of these actions are directed at the government and
2 seek to influence government policy. *See Harris v. Quinn*, 134 S. Ct. 2618, 2632–33
3 (2014). In addition, money is fungible, so when the representative plaintiffs and their
4 fellow class members are forced to subsidize WEA’s collective-bargaining activities, they
5 are freeing up resources for WEA to spend on political and ideological activities. Finally,
6 the representative plaintiffs do not wish to subsidize *any* of WEA’s activities, and their
7 compelled support of WEA’s collective-bargaining activities is no less an affront to the
8 plaintiffs as their compelled support of WEA’s political and ideological advocacy.

9 21. The Washington Education Association, along with defendants Schumacher
10 and Inslee, is acting under color of state law by imposing and collecting these unconsti-
11 tutional agency fees. *See* RCW 41.59.060; RCW 41.59.100; RCW 28B.52.045 (at-
12 tached as Exhibit 1).

13 22. The Supreme Court’s ruling in *Abood v. Detroit Bd. of Educ.*, 431 U.S. 209
14 (1977), which upheld the constitutionality of public-employee union shops and the
15 forced imposition of “agency fees” on non-union members, has been so undermined by
16 subsequent Supreme Court rulings and doctrinal developments that it need not be re-
17 garded as binding precedent, even though the Supreme Court has yet to explicitly over-
18 rule that decision. *See, e.g., Harris v. Quinn*, 134 S. Ct. 2618, 2632–34 (2014) (criti-
19 cizing *Abood*’s analysis as “questionable on several grounds” and claiming that *Abood*
20 “seriously erred” and “fundamentally misunderstood” the earlier decisions of the
21 Court). In the same-sex marriage litigation, the vast majority of federal district courts
22 and federal appellate courts disregarded the holding of *Baker v. Nelson*, 409 U.S. 810
23 (1972), and decided to recognize a constitutional right to same-sex marriage—even
24 though the Supreme Court did not overrule *Baker* until its pronouncement in *Obergefell*
25 *v. Hodges*, 135 S. Ct. 2584, 2605 (2015). *See, e.g., Bostic v. Schaefer*, 760 F.3d 352, 375

1 (4th Cir. 2014) (“[W]e decline to view *Baker* as binding precedent”); *Waters v. Ricketts*,
2 48 F. Supp. 3d 1271, 1284 (D. Neb. 2015) (“Doctrinal developments since
3 the *Baker* case indicate the Supreme Court’s summary ruling in *Baker* is no longer reli-
4 able or binding.”); *Searcy v. Strange*, 81 F. Supp. 3d 1285, 1287 (S.D. Ala. 2015) (re-
5 fusing to follow *Baker* because “Supreme Court decisions since *Baker* reflect significant
6 ‘doctrinal developments’ concerning the constitutionality of prohibiting same-sex rela-
7 tionships” (citation omitted)). There are other examples of lower courts that disregard
8 Supreme Court precedent after concluding that a previous ruling no longer enjoys the
9 support of five justices—and the Supreme Court has affirmed those rulings without crit-
10 icizing the lower court for anticipating the Supreme Court’s repudiation of its earlier
11 ruling. See *Simmons v. Roper*, 112 S.W.3d 397 (Mo. 2003) (declaring the juvenile death
12 penalty unconstitutional and refusing to follow *Stanford v. Kentucky*, 492 U.S. 361
13 (1989)), *aff’d by Roper v. Simmons*, 543 U.S. 551 (2005); *United States v. Booker*, 375
14 F.3d 508, 513 (7th Cir. 2004) (Posner, J.) (declaring the federal sentencing guidelines
15 unconstitutional even though this contradicted the Supreme Court’s holding in *Edwards*
16 *v. United States*, 523 U.S. 511 (1998)), *aff’d and remanded by United States v. Booker*,
17 543 U.S. 220 (2005).

18 23. The representative plaintiffs are bringing suit at this time to preserve the class
19 members’ ability to seek retrospective relief against the defendants for as far back as the
20 statute of limitations will allow.

21 CLASS ALLEGATIONS

22 24. The representative plaintiffs bring this class action under Fed. R. Civ. P.
23 23(b)(1), (b)(2), and (b)(3). The class comprises all individuals who: (1) are or previ-
24 ously were employed by the State of Washington or by any public school or school dis-
25 trict located in the State of Washington; (2) have had any union agency fees deducted

1 from the money paid to them by their employer and remitted to WEA or its affiliates;
2 and (3) have chosen not to become members of WEA by not signing membership cards
3 or by choosing to become agency fee payers. The class includes everyone who comes
4 within the class definition at any time until the conclusion of this action.

5 25. The number of persons in the class makes joinder of the individual class mem-
6 bers impractical.

7 26. There are questions of fact and law common to all class members. Factually, all
8 class members are public employees and union nonmembers compelled to pay agency
9 fees to WEA as a condition of employment. Legally, the U.S. Constitution affords the
10 same rights under the First Amendment to every member of the class.

11 27. The representative plaintiffs' claims are typical of other members of the class,
12 because each member of the class has objected to WEA membership yet is forced by
13 state law and contract provisions to financially support WEA and its inherently political
14 activities.

15 28. The representative plaintiffs adequately represent the interests of the class, and
16 they have no interests antagonistic to the class. Moreover, the undersigned counsel rep-
17 resent the plaintiffs and the class pro bono and are employed by a long-established char-
18 itable organization experienced in representing unionized public and partial-public em-
19 ployees whose constitutional rights have been violated.

20 29. A class action can be maintained under Rule 23(b)(1)(A) because separate ac-
21 tions by class members could risk inconsistent adjudications on the underlying legal is-
22 sues.

23 30. A class action can be maintained under Rule 23(b)(1)(B) because an adjudica-
24 tion determining the constitutionality of compulsory agency fees will, as a practical mat-
25 ter, be dispositive of the interests of all class members.

- 1 c. certify a class of all nonunion members in the State of Washington who
- 2 have been forced to pay “agency fees” to the Washington Education As-
- 3 sociation or its affiliates as a condition of their employment;
- 4 d. order the Washington Education Association to disgorge and refund all
- 5 “agency fees” that were unlawfully collected from the representative
- 6 plaintiffs and their fellow class members, along with pre-judgment and
- 7 post-judgment interest;
- 8 e. permanently enjoin the Washington Education Association, along with
- 9 its officers, agents, servants, employees, attorneys, and any other person
- 10 or entity in active concert or participation with it, from collecting “agency
- 11 fees” or any other type of money from nonmembers without their con-
- 12 sent;
- 13 f. permanently enjoin defendants Schumacher and Inslee, along with their
- 14 officers, agents, servants, employees, attorneys, and any other person or
- 15 entity in active concert or participation with them, from enforcing RCW
- 16 41.59.060, RCW 41.59.100, RCW 28B.52.045, or any other law or col-
- 17 lective-bargaining agreement, to the extent that such law or collective-
- 18 bargaining agreement requires the payment of money to a labor union or
- 19 collective-bargaining entity as a condition of employment;
- 20 g. permanently enjoin the defendants, along with their officers, agents, serv-
- 21 ants, employees, attorneys, and any other person or entity in active con-
- 22 cert or participation with them, from enforcing any law, policy, or collec-
- 23 tive-bargaining agreement that prevents or deters employees from can-

- 1 celing or revoking their membership in the Washington Education Asso-
2 ciation or their future provision of “agency fees” or any other type of
3 money to the Washington Education Association;
4 h. award costs and attorneys’ fees under 42 U.S.C. § 1988;
5 i. grant all other relief that the Court may deem just, proper, or equitable.

Respectfully submitted.

/s/ Jonathan F. Mitchell
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Dated: March 15, 2018

*Counsel for Plaintiffs and
the Proposed Class*

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Justin Carey, JoBeth Deibel, David Gaston, Roger Kinney, and Keith Sanborn

(b) County of Residence of First Listed Plaintiff Franklin County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

David M.S. Dewhirst, Hannah S. Sells, PO Box 552, Olympia, WA, 98507 Jonathan F. Mitchell, 559 Nathan Abbott Way, Stanford, CA, 94305

DEFENDANTS

Governor Jay Inslee, Washington Office of Financial Management Director David Schumacher, and Washington Education Association

County of Residence of First Listed Defendant Thurston (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. § 1983. Brief description of cause: State labor law statutes and action violate Plaintiffs' First Amendment rights of free speech and association

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE: March 15, 2018 SIGNATURE OF ATTORNEY OF RECORD: /s/ David M.S. Dewhirst

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Washington

Justin Carey, et al.

Plaintiff(s)

v.

Governor Jay Inslee, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Governor Jay Inslee
Office of the Governor
416 14th Ave. SW
Olympia, WA, 98504

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David M.S. Dewhirst and Hannah S. Sells
c/o Freedom Foundation, PO Box 552, Olympia, WA, 98507, 360-956-3482

Jonathan F. Mitchell
559 Nathan Abbott Way, Stanford, CA, 94305, 650-723-1397

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Washington

Justin Carey, et al.

Plaintiff(s)

v.

Governor Jay Inslee, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

David Schumacher
Director, Washington State Office of Financial Management
302 Sid Snyder Ave. SW
Olympia, WA, 98501

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David M.S. Dewhirst and Hannah S. Sells
c/o Freedom Foundation, PO Box 552, Olympia, WA, 98507, 360-956-3482

Jonathan F. Mitchell
559 Nathan Abbott Way, Stanford, CA, 94305, 650-723-1397

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

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was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Washington

Justin Carey, et al.

Plaintiff(s)

v.

Governor Jay Inslee, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Washington Education Association
Margaret A Knight
32032 Weyerhaeuser Way S.
Federal Way, WA, 98001

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David M.S. Dewhirst and Hannah S. Sells
c/o Freedom Foundation, PO Box 552, Olympia, WA, 98507, 360-956-3482

Jonathan F. Mitchell
559 Nathan Abbott Way, Stanford, CA, 94305, 650-723-1397

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CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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