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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION**

DALE DANIELSON, a Washington State employee; BENJAMIN RAST, a Washington State employee; TAMARA ROBERSON, a Washington State employee; as individuals, and on behalf of all others similarly situated,

Plaintiffs,

v.

GOVERNOR JAY INSLEE, in his official capacity as Governor of the State of Washington; DAVID SCHUMACHER, in his official capacity as Director of Washington State Office of Financial Management; and AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES COUNCIL 28, AFL-CIO, a labor organization,

Defendants.

No. 3:18-cv-5206

COMPLAINT – CLASS ACTION

I. INTRODUCTION

1. Plaintiffs DALE DANIELSON, BENJAMIN RAST, and TAMARA ROBERSON are state employees and bring this class action on behalf of themselves and all others similarly situated, seeking redress for the defendants’ past and ongoing violations of their constitutionally protected rights. The plaintiffs allege as follows:

2. The imposition of compulsory agency fees violates Plaintiffs’ rights under the First and

1 Fourteenth Amendments to the U.S. Constitution. The representative plaintiffs seek for themselves
2 and the proposed class: (a) a declaratory judgment against the State and the Union (collectively,
3 “Defendants”) that the imposition of compulsory agency fees violates Plaintiffs’ rights under the
4 First Amendment to the U.S. Constitution; (b) injunctive relief that prohibits Defendants from
5 seizing agency fees from the representative plaintiffs and the class; (c) an award of damages for
6 agency fees wrongfully seized from the representative plaintiffs and the class; and (d) an award of
7 reasonable attorneys’ fees, costs, and expenses pursuant to 42 U.S.C. § 1988.

8
9 **II. JURISDICTION AND VENUE**

10 3. This action arises under 42 U.S.C. § 1983 to redress the deprivation, under color of state
11 law, of rights, privileges, and immunities secured to the representative plaintiffs and the class
12 (“Plaintiffs”) by the First and Fourteenth Amendments to the U.S. Constitution.

13 4. This Court has jurisdiction over Plaintiffs’ claims pursuant to 28 U.S.C. § 1331 because
14 they arise under the U.S. Constitution and 28 U.S.C. § 1343 because the Plaintiffs seek relief under
15 42 U.S.C. § 1983. This Court has authority under 28 U.S.C. §§ 2201 and 2202 to grant declaratory
16 relief and other relief based thereon.

17 5. Venue is proper in this Court because the Defendants do business and operate in this
18 district. 28 U.S.C. § 1391(b). Assignment to the Tacoma Division is proper because the claims
19 arose in Thurston County and because all Defendants’ principal places of business are in Thurston
20 County. *See* Local Civil Rule 3(e)(1).

21 **III. PARTIES**

22 6. Plaintiff Dale Danielson resides in Yakima County, Washington. He is employed by
23 Washington’s Department of Social and Health Services in a bargaining unit exclusively
24 represented by Defendant American Federation of State, County, and Municipal Employees

1 Council 28, AFL-CIO, doing business as the Washington Federation of State Employees
2 (“WFSE”). Mr. Danielson is not a member of the Union but is compelled to pay an agency fee to
3 the union as a condition of employment.

4 7. Plaintiff Benjamin Rast resides in Pierce County, Washington. He is employed by
5 Washington’s Department of Labor and Industry in a bargaining unit exclusively represented by
6 WFSE. Mr. Rast is not a member of the Union but is compelled to pay an agency fee to the union
7 as a condition of employment.

8 8. Plaintiff Tamara Roberson resides in Pierce County, Washington. She is employed by
9 Tacoma Community College and in a bargaining unit exclusively represented by WFSE. Ms.
10 Roberson is not a member of the Union but is compelled to pay an agency fee to the union as a
11 condition of employment.

12 9. Defendant WFSE is a labor union that represents over 35,000 public employees in
13 Washington, and is headquartered at 1212 Jefferson St., Suite 300, Olympia, Washington 98501.

14 10. Defendant David Schumacher is the Director of the Washington State Office of Financial
15 Management with an office in Olympia. As such, and on information and belief, he is charged with
16 the responsibility of negotiating and enforcing the collective-bargaining agreement on behalf of
17 the governor with WFSE pursuant to RCW 41.80.010. These responsibilities are handled by the
18 Labor Relations Division of the Office of Financial Management, over which Schumacher exerts
19 direct authority. He is sued only in his official capacity.

20 11. Defendant Jay Inslee is the Governor of the State of Washington with an office in Olympia,
21 Washington. Governor Inslee is the bargaining representative of the state and is sued only in his
22 official capacity.

IV. FACTUAL ALLEGATIONS

12. State employee collective bargaining is governed by RCW 41.80. The State of Washington is the employer of State employees, including Plaintiffs and the class. RCW 41.80.005(8).

13. The State’s bargaining representative is the governor or the governor’s designee. RCW 41.80.010.

14. By contract with the state, WFSE has been designated as the exclusive bargaining representative of many Washington public employees, as described in the Collective Bargaining Agreement (“CBA”) between WFSE and the state.¹

15. RCW 41.80.050 states that employees have the right to refrain from union activities, “except to the extent that they may be required to pay a fee to an exclusive bargaining representative under a union security provision authorized by this chapter.”

16. RCW 41.80.100(1) outlines union security provisions and authorizes the state employer to withhold an agency fee “that represents a pro rata share of expenditures for purposes germane to the collective bargaining process[.]”

17. In accordance with these statutes, the state and WFSE created Article 40.3 of the current Collective Bargaining Agreement (“CBA 40.3”), describing “Union Security” and union nonmembers’ payment obligations. In relevant part, it reads:

All employees covered by this Agreement will, *as a condition of employment*, either become members of the Union and pay membership dues or, as nonmembers, pay a fee as described in Subsections 40.3 A, B, and C below, no later than the 30th day following the effective date of this Agreement or the beginning of their employment.

A. Employees who choose not to become union members must pay to the Union, no later than the 30th day following the beginning of employment, an agency shop fee equal to the amount required to be a member in good standing of the Union...

C. The Union will establish a procedure that any employee who makes a request may pay a representation fee equal to a pro rata share of the full membership fee that is related

¹ Collective Bargaining Agreement for the State of Washington and the Washington Federation of State Employees, July 1, 2017 thru June 30, 2019, at Appendix A *available at* https://www.ofm.wa.gov/sites/default/files/public/legacy/labor/agreements/17-19/wfse_gg.pdf.

1 to collective bargaining, contract administration and the pursuit of matters affecting wages,
2 hours and other terms and conditions of employment rather than the full membership fee.

3 18. The State deducts agency fees, in an amount determined by WFSE, from the wages of
4 Plaintiffs and remits those monies to WFSE. The Union acts under color of state law by contracting
5 for and participating in the administration of agency fee deductions from Plaintiffs' wages.

6 19. All of WFSE's activities that state law and CBA 40.3 compel Plaintiffs to support by way
7 of agency fees, including actions taken as an exclusive bargaining representative in the public
8 sector, are inherently political activities by the union.

9 20. Compulsory agency fees fund, inter alia, WFSE's efforts to maintain its exclusive
10 bargaining representative status against competing unions or employee de-unionization efforts.
11 Plaintiffs are thus compelled to fund through agency fees activities directly contrary to their
12 associational interests.

13 21. Plaintiffs are compelled to pay agency fees to WFSE, which frees up resources for WFSE
14 to spend on political and ideological activities, which Plaintiffs oppose.

15 22. Plaintiffs object to paying agency fees to WFSE, and believe this compulsory obligation
16 violates their constitutional rights. Absent statutory and contractual requirements compelling them
17 to do so, they would pay no fees to the Union.

18 23. The Supreme Court's ruling in *Abood v. Detroit Bd. of Educ.*, 431 U.S. 209 (1977), which
19 upheld the constitutionality of public-employee union shops and the forced imposition of "agency
20 fees" on non-union members, has been so undermined by subsequent Supreme Court rulings and
21 doctrinal developments that it need not be regarded as binding precedent, even though the Supreme
22 Court has yet to explicitly overrule that decision. *Harris v. Quinn*, 134 S. Ct. 2618, 2632-34 (2014)
23 (criticizing *Abood*'s analysis as "questionable on several grounds" and claiming that *Abood*
24 "seriously erred" and "fundamentally misunderstood" the earlier decisions of the Court); *Knox v.*

1 *Serv. Employees Int'l Union, Local 1000*, 567 U.S. 298, 314 (2012) (“By authorizing a union to
2 collect fees from nonmembers... our prior decisions approach, *if they do not cross*, the limit of
3 what the First Amendment can tolerate.”) (emphasis added).

4 24. Lower courts frequently treat a doctrinally antiquated precedent as non-binding when
5 supported by more recent cases challenging the precedent’s authoritative value. In cases preceding
6 the Supreme Court’s decision in *Obergefell v. Hodges*, 135 S. Ct. 2584, 2605 (2015), the vast
7 majority of federal district courts and federal appellate courts disregarded the holding of *Baker v.*
8 *Nelson*, 409 U.S. 810 (1972), and recognized a constitutional right to same-sex marriage—even
9 though the Supreme Court did not overrule *Baker* until its pronouncement in *Obergefell*. *See, e.g.*,
10 *Bostic v. Schaefer*, 760F.3d 352, 375 (4th Cir. 2014) (“[W]e decline to view *Baker* as binding
11 precedent); *Waters v. Ricketts*, 48 F. Supp. 3d 1271, 1284 (D. Neb. 2015) (“Doctrinal
12 developments since the *Baker* case indicate the Supreme Court’s summary ruling in *Baker* is no
13 longer reliable or binding.”); *Searcy v. Strange*, 81 F. Supp. 3d 1285, 1287 (S.D. Ala. 2015)
14 (refusing to follow *Baker* because “Supreme Court decisions since *Baker* reflect significant
15 ‘doctrinal developments’ concerning the constitutionality of prohibiting same-sex relationships”
16 (citation omitted)).

17 25. There are other examples of lower courts that disregard Supreme Court precedent after
18 concluding that a previous ruling no longer enjoys the support of five justices—and the Supreme
19 Court has affirmed those rulings without criticizing the lower court for anticipating the Supreme
20 Court’s repudiation of its earlier ruling. *See Simmons v. Roper*, 112 S.W.3d 397 (Mo. 2003)
21 (declaring the juvenile death penalty unconstitutional and refusing to follow *Stanford v. Kentucky*,
22 492 U.S. 361 (1989)), *aff’d by Roper v. Simmons*, 543 U.S. 551 (2005); *United States v. Booker*,
23 375 F.3d 508, 513 (7th Cir. 2004) (Posner, J.) (declaring the federal sentencing guidelines
24

1 unconstitutional even though this contradicted the Supreme Court's holding in *Edwards v. United*
2 *States*, 523 U.S. 511 (1998)), aff'd and remanded by *United States v. Booker*, 543 U.S. 220 (2005).

3 26. Plaintiffs bring suit at this time to preserve the class members' ability to seek retrospective
4 relief against the defendants for as far back as the statute of limitations will allow.

5 V. CLASS ALLEGATIONS

6 27. This is a class action brought by named Plaintiffs Dale Danielson, Benjamin Rast, and
7 Tamara Roberson for themselves and all others similarly situated, pursuant to Federal Rule of Civil
8 Procedure 23(b)(1)(A), (b)(2), and/or 23(b)(3). The class consists of all individuals who: (1) are
9 employees of the State of Washington; and, (2) have had any union agency fees deducted from the
10 monies paid to them by the state and remitted to WFSE or its affiliates; and (3) have chosen not to
11 become members of WFSE by not signing membership cards or by choosing to become agency
12 fee payers.

13 28. The number of persons in the class makes joinder of individual class members impractical.

14 29. There are questions of fact and law common to all class members. Factually, all class
15 members are public employees and union nonmembers compelled to pay agency fees to WFSE as
16 a condition of employment. Legally, the U.S. Constitution affords the same rights under the First
17 Amendment to each and every member of the class.

18 30. The named Plaintiffs' claims are typical of other members of the class, because each and
19 every member of the class has objected to WFSE membership yet is forced by state law and
20 contract provisions to financially support WFSE and its inherently political activities.

21 31. The named Plaintiffs adequately represent the interests of the class, and have no interests
22 antagonistic to the class. Moreover, the undersigned counsel represent Plaintiffs and the class pro
23 bono and are employed by a long-established charitable organization experienced in furnishing
24

1 representation to unionized public and partial-public employees whose constitutional rights have
2 been violated.

3 32. A class action can be maintained under Rule 23(b)(1)(A) because separate actions by class
4 members could risk inconsistent adjudications on the underlying legal issues.

5 33. A class action can be maintained under Rule 23(b)(1)(B) because an adjudication
6 determining the constitutionality of compulsory agency fees will, as a practical matter, be
7 dispositive of the interests of all class members.

8 34. A class action can be maintained under Rule 23(b)(3) because the common questions of
9 law and fact identified in the Complaint predominate over any questions affecting only individual
10 class members. A class action is superior to other available methods for the fair and efficient
11 adjudication of the controversy because, among other things, all class members are subjected to
12 the same violation of their constitutional rights, but the amount of money involved in each
13 individual's claim would make it burdensome for class members to maintain separate actions.

14 **VI. CLAIMS FOR RELIEF**

15 **CLAIM 1**

16 **First Amendment, through 42 U.S.C. §1983**

17 ***Compelling Plaintiffs to pay agency fees violates their First Amendment rights***

18 35. The Plaintiffs re-allege and incorporate by reference the paragraphs set forth above.

19 36. RCW 41.80.100 and CBA 40.3 compel Plaintiffs to pay agency fees to WFSE as a
20 condition of employment. Defendants, acting under state law and color of state law have created,
21 administered, and enforced these obligations. In so doing, Defendants have violated and continue
22 to violate Plaintiffs' First Amendment rights to free speech and association as secured by the
23 Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983.

24 37. State law and collective-bargaining agreements permitting and imposing compulsory

1 agency fee obligations upon public employees who do not wish to associate with or support WFSE
2 are not narrowly tailored to serve a compelling government interest.

3 38. Thus, RCW 41.80.100 and CBA 40.3 violate Plaintiffs’ freedom of speech and association,
4 in violation of the First Amendment, as secured against state infringement by the Fourteenth
5 Amendment and 42 U.S.C. § 1983.

6
7 **VII. DEMAND FOR RELIEF**

8 The Plaintiffs respectfully request that this Court:

9 A. Certify a class consisting of all individuals who: (1) are employees of the State of
10 Washington; and, (2) have had any union agency fees deducted from the monies paid to them by
11 the state and remitted to WFSE or its affiliates; and (3) have chosen not to become members of
12 WFSE by not signing membership cards or by choosing to become agency fee payers.

13 B. Issue a declaratory judgment against Governor Inslee, in his official capacity, Director
14 Schumacher, in his official capacity, and WFSE that:

- 15 1. It is unconstitutional under the First Amendment, as secured against State
16 infringement by the Fourteenth Amendment and 42 U.S.C. § 1983, to seize or require
17 payment of agency fees from the Plaintiffs and other public employees;
- 18 2. RCW 41.80.100(1) is unconstitutional under the First Amendment, as secured against
19 State infringement by the Fourteenth Amendment and 42 U.S.C. § 1983, and is null
20 and void.
- 21 3. Article 40.3 of the CBA is unconstitutional under the First Amendment, as secured
22 against State infringement by the Fourteenth Amendment and 42 U.S.C. § 1983, and
23 is null and void.

24 C. Permanently enjoin WFSE, along with its officers, agents, servants, employees, attorneys,

1 and any other person or entity in active concert or participation with it, from collecting “agency
2 fees” or any other type of money from public employees.

3 D. Permanently enjoin Defendants Inslee and Schumacher, along with their officers, agents,
4 servants, employees, attorneys, and any other person or entity in active concert or participation
5 with them, from enforcing RCW 41.80.100(1) and collecting “agency fees” from public
6 employees.

7 E. Permanently enjoin the defendants, along with their officers, agents, servants, employees,
8 attorneys, and any other person or entity in active concert or participation with them, from
9 enforcing any law or policy that prevents or deters employees from canceling or revoking their
10 membership in the Washington Education Association or their future provision of “agency fees”
11 or any other type of money to the Washington Education Association.

12 F. Order WFSE to disgorge and refund all agency fees that were unlawfully collected from
13 Plaintiffs and their fellow class members, along with pre-judgment and post-judgment interest.

14 G. Award Plaintiffs their reasonable attorneys’ fees, costs, and expenses pursuant to 42.
15 U.S.C. § 1988.

16 H. Award any other relief this Court deems just and proper.

17 RESPECTFULLY SUBMITTED on March 15, 2018.

18 By: s/ Jonathan F. Mitchell
19 JONATHAN F. MITCHELL, WSBA #52483
20 559 Nathan Abbott Way
21 Stanford, California 94305
22 (650) 723-1397
23 jfmitche@stanford.edu

s/ David M.S. Dewhirst
DAVID M.S. DEWHIRST, WSBA # 48229
s/ Hannah S. Sells
HANNAH S. SELLS, WSBA #52692
c/o Freedom Foundation
P.O. Box 552, Olympia, WA 98507
p. 360.956.3482 | f. 360.352.1874
DDewhirst@freedomfoundation.com
HSells@freedomfoundation.com

24 *Attorneys 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

Dale Danielson, Benjamin Rast, Tamara Roberson

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

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

David M.S. Dewhirst and Hannah S. Sells, PO Box 552, Olympia, WA, 98507

Jonathan F. Mitchell 559 Nathan Abbott Wav. Stanford, CA. 94305

DEFENDANTS

Governor Jay Inslee, Office of Financial Management Director David Schumacher, American Federation of State, County and Municipal Employees Council 28, AFL-CIO

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, LABOR, IMMIGRATION, FORFEITURE/PENALTY, SOCIAL SECURITY, BANKRUPTCY, 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.

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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Civil Action No. _____

PROOF OF SERVICE

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_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

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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:

Print

Save As...

Reset

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

UNITED STATES DISTRICT COURT

for the

Western District of Washington

Dale Danielson, 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)

American Federation of State, County, and Municipal Employees Council 28, AFL-CIO
Washington Federation of Service Employees
1212 Jefferson St. SE #300
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

(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 _____.

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:

Print

Save As...

Reset

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [WA Governor Jay Inslee, Director of Financial Management Facing Class Actions Over 'Unconstitutional' Agency Fees](#)
