

1  
2 **SUPERIOR COURT OF THE STATE OF WASHINGTON**  
3 **IN AND FOR THE COUNTY OF SPOKANE**

4 GLOBAL NEIGHBORHOOD; REFUGEE  
5 CONNECTIONS OF SPOKANE; SPOKANE  
6 CHINESE ASSOCIATION; ASIAN PACIFIC  
7 ISLANDER ASSOCIATION; SPOKANE  
8 CHINESE-AMERICAN PROGRESSIVES;  
9 AND THE SPOKANE CHAPTER OF THE  
10 NATIONAL ORGANIZATION OF WOMEN,

11 Plaintiffs,

12 vs.

13 RESPECT WASHINGTON; VICKY  
14 DALTON, SPOKANE COUNTY AUDITOR,  
15 IN HER OFFICAL CAPACITY; AND THE  
16 CITY OF SPOKANE,

17 Defendants.

Case No.: 17-2-01621-1

ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
DECLARATORY RELIEF

18 THIS MATTER came before the Court upon the Plaintiff's Motion for Declaratory  
19 Judgment, noted for consideration on August 25, 2017. The Court has considered Plaintiffs'  
20 Motion and Memorandum in Support of Plaintiffs' Motion, Plaintiffs' Reply in Support of the  
21 Motion for Declaratory Judgment, the declarations and exhibits in Support of Plaintiffs' Motion  
22 for Preliminary Injunction, Respect Washington's opposition to Plaintiffs' Motion for  
23 Declaratory Judgment, the Auditor's response to Plaintiffs' Motion for Declaratory Judgment,  
24 the City of Spokane's response to Plaintiffs' Motion for Declaratory Judgment, the parties'  
25 arguments, and all papers and pleadings on file. The Court now finds as follows:

ORDER GRANTING PLAINTIFFS' MOTION FOR DECLARATORY RELIEF - 1

- 1           1. This matter was brought pursuant to Washington’s Uniform Declaratory Judgments  
2           Act, Chapter 7.24 RCW, and meets the elements thereof.
- 3           2. A justiciable controversy exists. There is an actual, present, and existing dispute  
4           between parties with genuine and opposing interests that are direct and substantial.  
5           3. Plaintiffs have standing. Plaintiffs fall within the zone of interests of Proposition 1,  
6           and have demonstrated sufficient injury, and this case is germane to the purposes of  
7           all Plaintiff organizations. Respect Washington concedes that Plaintiffs have  
8           submitted evidence with their reply in support of their motion which is sufficient to  
9           show standing Global Neighborhood and Refugee Connections Spokane have  
10           employees that will suffer sufficient injury and therefore have standing to bring this  
11           action on behalf of their members. All Plaintiffs will suffer organizational harm by  
12           being required to divert limited resources to address the impacts associated with  
13           Proposition 1, should it pass.
- 14           4. The Court declines to address whether the Public Importance Exemption to the  
15           Standing Doctrine applies in this matter.
- 16           5. Proposition 1 exceeds the local initiative power and is invalid. Proposition 1 exceeds  
17           the local initiative power because it is administrative in nature and because it would  
18           change or hinder a pre-existing administrative policy and modify existing directives  
19           applicable to the City of Spokane Police Department and City employees.  
20           6. Proposition 1 is invalid because it seeks to repeal portions of the City of Spokane  
21           Municipal Code that have been previously rescinded by the City Council and have  
22           ORDER GRANTING PLAINTIFFS’ MOTION FOR DECLARATORY RELIEF - 2

Unbelievable finding of McKay's which 1.) shatters the Spokane Council's prior reservation of SMC 3 sections to the voters at Nov. 2017 and 2.) Ignores the collusion between REichstaedt and Stuckart to manufacturer this claim.

1 otherwise been amended to make inconsistent with the plain language of Proposition  
2 1.

3 7. Plaintiffs' claim as to Proposition 1's consistency with state law is not appropriate for  
4 consideration in a pre-election challenge.

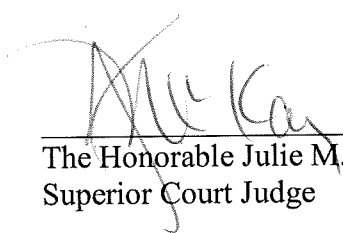
5  
6 8. The Court declines to consider whether Proposition 1 is inconsistent with the  
7 procedural requirements of the Spokane Municipal Code.

8 9. Respect Washington's assertion that this case is barred by the Doctrine of Laches is

9 without merit because Defendant failed to demonstrate that filing of the case was  
10 intentionally delayed, no evidence was provided that it was filed to avoid any  
11 subsequent appeals, and Respect Washington failed to provide evidence of actual  
12 quantifiable harm as a result of any delay.  
13

14 Now, therefore, it is hereby ORDERED that Plaintiffs' Motion for Declaratory Judgment  
15 is GRANTED. The Court DECLARES that Proposition 1 is invalid. The Court further  
16 DECLARES that the initiative shall not appear on the November 7, 2017 ballot, and directs the  
17 Auditor not to include it on that ballot. Final judgment shall be entered in favor of Plaintiffs in  
18 accordance with this Order.  
19

20 DATED this 29 day of August, 2017.

21  
22   
23 \_\_\_\_\_  
24 The Honorable Julie M. McKay  
25 Superior Court Judge

McKay should rather have  
condemned REichstaedt's  
misrepresentation of ex post facto  
SMC

1 Presented by:

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



Rick Eichstaedt, WSBA #36487  
Attorney for Plaintiffs

Approved as to form:

*Approved as to form via email.*

Richard Stephens, WSBA #21776  
Attorney for Respect Washington

*Approved as to form via email.*

Dan Catt, WSBA #11606  
Attorney for Spokane County Auditor

*Approved as to form via email.*

Nathaniel Odle, #39602  
Attorney for City of Spokane