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SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR SKAGIT COUNTY

KEVAN COFFEY,  
Plaintiff,

v.

PUBLIC HOSPITAL DISTRICT NO. 1,  
SKAGIT COUNTY, WASHINGTON  
D/B/A SKAGIT REGIONAL HEALTH,  
CLARK D. TODD, in his official capacity,  
BALISA E. KOETJE, in her official  
capacity, JAMES L. HOBBS, SR., in his  
official capacity, PATTIE K. LEWIS, in her  
official capacity, BRUCE G. LISSER, in his  
official capacity, JEFFREY JAMES  
MILLER, in his official capacity,  
STANTON C.G. OLSON, in his official  
capacity; and GREGG A. DAVIDSON, in  
his official capacity,  
Defendants.

Case No. 15-2-00217-4

**AMENDED COMPLAINT FOR  
INJUNCTIVE AND DECLARATORY  
RELIEF**

Washington law provides that every woman has the fundamental right to choose or refuse to terminate a pregnancy, and that a public hospital district may not discriminate against the exercise of that right. RCW 9.02.100(2), (4). If a public hospital district provides maternity care services, it must also provide services that enable women to terminate their pregnancies.

1 RCW 9.02.160. Because Defendants provide maternity care services but do not provide abortion  
2 services, Defendants are violating state law. This case is about ensuring a woman's access to the  
3 full range of reproductive health services as required by law.

4 Plaintiff KEVAN COFFEY, for her cause of action against Defendants, alleges as  
5 follows.

6 **I. PARTIES**

7 1. Plaintiff Kevan Coffey is a taxpayer, a resident of Skagit County and a married  
8 woman of reproductive age who is unable to carry a pregnancy to term without facing severe,  
9 life-threatening birth defects.

10 2. Defendant Public Hospital District No. 1, Skagit County, Washington d/b/a Skagit  
11 Regional Health (hereinafter "Skagit Regional Health") is a Washington municipal corporation  
12 and a public hospital district under RCW 70.44 *et seq.* that provides health care services to the  
13 general public in Mount Vernon, Washington and surrounding communities. Skagit Regional  
14 Health owns and operates Skagit Valley Hospital and Skagit Regional Clinics.  
15

16 3. Defendant Clark D. Todd is a Commissioner of Skagit Regional Health. On  
17 information and belief, Defendant Todd resides in Mount Vernon, Washington. Defendant Todd  
18 is sued in his official capacity.  
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20 4. Defendant Balisa E. Koetje is a Commissioner of Skagit Regional Health. On  
21 information and belief, Defendant Koetje resides in Mount Vernon, Washington. Defendant  
22 Koetje is sued in her official capacity.  
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24 5. Defendant James L. Hobbs, Sr. is a Commissioner of Skagit Regional Health. On  
25 information and belief, Defendant Hobbs resides in Mount Vernon, Washington. Defendant  
26 Hobbs is sued in his official capacity.

1           6. Defendant Pattie K. Lewis is a Commissioner of Skagit Regional Health. On  
2 information and belief, Defendant Lewis resides in Mount Vernon, Washington. Defendant  
3 Lewis is sued in her official capacity.

4           7. Defendant Bruce G. Lisser is a Commissioner of Skagit Regional Health. On  
5 information and belief, Defendant Lisser resides in Mount Vernon, Washington. Defendant  
6 Lisser is sued in his official capacity.

7           8. Defendant Jeffery James Miller is a Commissioner of Skagit Regional Health. On  
8 information and belief, Defendant Miller resides in Mount Vernon, Washington. Defendant  
9 Miller is sued in his official capacity.

10           9. Defendant Stanton C.G. Olson is a Commissioner of Skagit Regional Health. On  
11 information and belief, Defendant Olson resides in Mount Vernon, Washington. Defendant  
12 Olson is sued in his official capacity.

13           10. Defendant Gregg A. Davidson is the Chief Executive Officer of Skagit Regional  
14 Health. Defendant Davidson is sued in his official capacity.

15           11. Plaintiff sought the intervention of the Washington State Attorney General to  
16 enjoin Defendants’ violations of RCW 9.02.100 and 9.02.160. The Attorney General’s office  
17 has declined to file suit.

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20                                   **II. JURISDICTION AND VENUE**

21           12. Subject matter jurisdiction is proper in this Court pursuant to RCW 2.08.010,  
22 7.24.010, and 7.24.020 because this is an action for state law violations, for declaratory relief,  
23 and for injunctive relief.

24           13. Jurisdiction and venue are proper in this Court pursuant to RCW 4.12.025(1) and  
25 70.44.060(8) because Skagit Regional Health, the seven  
26

1 individual Commissioners, and the Chief Executive Officer named above (collectively  
2 “Defendants”) transact business and have offices for the transaction of business, and thus reside  
3 in, Skagit County; and pursuant to RCW 4.12.020(2) because the incidents complained of  
4 occurred in Skagit County.

### 5 III. FACTS

6 14. The Reproductive Privacy Act was enacted by the people of Washington in 1991,  
7 by way of Initiative Measure No. 120 (“Initiative 120”). The purpose of Initiative 120 was to  
8 grant every individual in Washington a fundamental right of privacy with respect to their  
9 personal reproductive decisions, including the rights to choose or refuse to terminate a pregnancy  
10 and to choose or refuse birth control. Initiative 120 additionally sought to prevent public hospital  
11 districts from denying or interfering with individuals’ exercise of such fundamental rights.  
12

13 15. In furtherance of the fundamental right to choose or refuse to terminate a  
14 pregnancy, Initiative 120 provided that “[i]f the state provides, directly or by contract, maternity  
15 care benefits, services, or information to women through any program administered or funded in  
16 whole or in part by the state, *the state shall also provide women otherwise eligible for any such*  
17 *program with substantially equivalent benefits, services, or information to permit them to*  
18 *voluntarily terminate their pregnancies.*”  
19

20 16. Interpretations of Initiative 120 at the time of its introduction confirm that this  
21 provision means that women must have equal access to termination services and maternity care  
22 services.  
23

24 17. Initiative 120 garnered 242,004 signatures, and was submitted to the Washington  
25 voters. On November 5, 1991, the people of Washington voted to approve the Initiative.

26 18. Initiative 120 was subsequently codified in

1 RCW 9.02, effective December 24, 1991, as the Reproductive Privacy Act.

2 19. Defendant Skagit Regional Health is Washington State's third largest public  
3 hospital district.

4 20. Defendant Skagit Regional Health is also Skagit County's largest provider of  
5 health care services.

6 21. Defendant Skagit Regional Health provides a wide array and substantial volume  
7 of maternity care services. For example, in 2012, Skagit Valley Hospital performed 1,200  
8 deliveries — accounting for nearly three-quarters of all births occurring in Skagit County that  
9 year. In addition, Skagit Regional Health's Family Birth Center provides wide-ranging services  
10 specifically for women, including both pre- and post-pregnancy care.

11 22. Defendants do not provide women with substantially equivalent services to permit  
12 them to terminate their pregnancies. Plaintiff is informed and believes, and on this basis alleges,  
13 that Defendants have a practice of never performing medication abortions and of rarely  
14 performing surgical abortions for patients seeking or needing such medical care.

15 23. Plaintiff sent Defendant Skagit Regional Health two demand letters, dated July  
16 28, 2014 and February 7, 2015, requesting that Defendants provide medication abortions and  
17 surgical abortions in compliance with Washington state law.

18 24. In response, on February 9, 2015, Defendants adopted Resolution No. 3339  
19 concerning the Washington Reproductive Privacy Act, stating that they do not prohibit or have a  
20 written policy against providing termination services to women. Plaintiff is informed and  
21 believes, and on this basis alleges, that Defendants do not comply with the Reproductive Privacy  
22 Act because Resolution No. 3339 does not provide for substantively equivalent services to  
23 women for terminations as it does maternity care, and  
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1 Defendants continue to have a practice of never performing medication abortions and of rarely  
2 performing surgical abortions for patients seeking or needing such medical care.

3 **IV. CAUSE OF ACTION: VIOLATIONS OF RCW 9.02.100 AND RCW 9.02.160**

4 25. Plaintiff realleges and incorporates by reference herein all the allegations of  
5 paragraph 1 through 23 above.

6 26. RCW 9.02.100(2) provides that “[e]very woman has the fundamental right to  
7 choose or refuse to have an abortion. . . .”

8 27. RCW 9.02.100(4) provides, “[t]he state shall not discriminate against the exercise  
9 of these rights in the regulation or provision of benefits, facilities, services, or information.”

10 28. RCW 9.02.160 provides that “[i]f the state provides, directly or by contract,  
11 maternity care benefits, services, or information to women through any program administered or  
12 funded in whole or in part by the state, the state shall also provide women otherwise eligible for  
13 any such program with substantially equivalent benefits, services, or information to permit them  
14 to voluntarily terminate their pregnancies.”

15 29. Defendants are a public hospital district, a public hospital district’s health care  
16 facilities, a public hospital district’s governing board of commissioners, and a public hospital  
17 district’s chief executive officer (collectively and individually) that provide and govern the  
18 provision of health care services within the public hospital district in Skagit County,  
19 Washington.

20 30. Defendants provide maternity care services, but do not provide substantially  
21 equivalent services to permit the termination of pregnancies. Defendants have deprived Plaintiff  
22 of her fundamental right to choose or refuse to terminate a pregnancy in violation of RCW  
23 9.02.100(4). Indeed, Defendants provide maternity care  
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1 services, but do not provide substantially equivalent services to permit the termination of  
2 pregnancies, in violation of RCW 9.02.160.

3 **V. PRAYER FOR RELIEF**

4 THEREFORE, Plaintiff demands:

- 5 1. A declaration that Defendants are violating RCW 9.02.100(4) and RCW 9.02.160;  
6 2. That Defendants and all other persons acting or claiming to act for, on behalf of,  
7 or in active concert or participation with Defendants, be enjoined from violating RCW 9.02.100  
8 and RCW 9.02.160;  
9 3. That Defendants be required to comply with RCW 9.02.100(4) and RCW  
10 9.02.160 and provide termination services;  
11 4. An award of reasonable attorneys' fees and costs that Plaintiff incurs in  
12 connection with this action; and  
13 5. Such other relief as the Court may deem just and equitable.

14 DATED this 7th day of May, 2015.

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16  
17 AMERICAN CIVIL LIBERTIES UNION OF  
WASHINGTON FOUNDATION

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*Attorneys for Plaintiff*



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MILLER, in his official capacity,  
STANTON C.G. OLSON, in his official  
capacity; and GREGG A. DAVIDSON, in  
his official capacity,

Defendants.

Case No. 15-2-00217-4

**CERTIFICATE OF SERVICE**

I, Edward Wixler, am a legal assistant for the American Civil Liberties Union of Washington Foundation, 901 Fifth Avenue, Suite 630, Seattle, WA 98164. I hereby certify that on the date indicated below, I caused to be served via email and U.S. Mail true and correct copies of *Plaintiffs' Amended Complaint for Injunctive and Declaratory Relief* and this *Certificate of Service* on the following:

1 Thomas F. Ahearne  
2 Adrian Urquhart Winder  
3 FOSTER PEPPER, PLLC  
4 1111 Third Avenue #3400  
5 Seattle, Washington 98101  
6 ahearne@foster.com

7 Bradford E. Furlong  
8 FURLONG BUTLER  
9 825 Cleveland Avenue  
10 Mount Vernon, Washington 98273  
11 bef@furlongbutler.com

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

14 DATED this 7th day of May, 2015 at Seattle, Washington.

15   
16 \_\_\_\_\_  
17 EDWARD WIXLER