

No. 94209-9

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

JIN ZHU,

Plaintiff-Respondent,

v.

NORTH CENTRAL EDUCATIONAL SERVICE DISTRICT NO. 171,

Defendant-Appellant.

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF
AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON

Rabi Lahiri, WSBA #44214
rabi.lahiri@gmail.com

Nancy L. Talner, WSBA #11196
talner@aclu-wa.org

ACLU of Washington Foundation
901 Fifth Avenue, Suite 630
Seattle, Washington 98164
Tel: (206) 624-2184

*Attorneys for Amicus Curiae
American Civil Liberties Union of
Washington*

The American Civil Liberties Union of Washington (ACLU-WA) respectfully moves, pursuant to RAP 10.1(e) and 10.6, to file a brief as amicus curiae. In support of this motion, ACLU-WA offers the following information:

I. IDENTITY AND INTEREST OF AMICUS

ACLU-WA is a statewide, nonpartisan, nonprofit organization with over 75,000 members and supporters, dedicated to the preservation and defense of constitutional and civil liberties, including the right to be free from unlawful discrimination in the workplace and elsewhere. ACLU-WA has participated as direct counsel or amicus curiae in numerous cases challenging discriminatory policies and practices.

II. FAMILIARITY WITH ISSUES

Amicus has obtained copies of, and is familiar with, the briefing submitted by the parties to this Court and the opinion of the district court. Amicus is familiar with the scope of the arguments presented by the parties and will not unduly repeat arguments raised by any of the parties.

III. ISSUE TO BE ADDRESSED BY AMICUS

Do the purposes and policies embodied in the Washington Law Against Discrimination, chapter 49.60 RCW, support recognizing a cause of action for job applicants who claim a prospective employer refused to

hire them in retaliation for prior opposition to racial discrimination by a different employer?

IV. WHY AMICUS BRIEFING WILL ASSIST THE COURT

The Court's decision in this case will affect the right of all Washington residents to be free from unlawful discrimination and retaliation, and the additional argument provided by the amicus brief will assist the Court in making a fully informed decision. RAP 10.6(a). The parties are naturally most interested in arguing for a ruling that provides a favorable result to their clients. Amicus can provide a broader perspective, addressing the potential impact of the Court's ruling beyond the interests of the specific parties to this case.

V. CONCLUSION

For the foregoing reasons, the ACLU respectfully requests that the Court grant leave to file the attached amicus brief.

DATED this 28th day of July, 2017.

Respectfully submitted,

/s/Rabi Lahiri

Rabi Lahiri, WSBA No. 44214
Nancy L. Talner, WSBA No. 11196
ACLU of Washington Foundation

*Attorneys for Amicus Curiae
American Civil Liberties Union of
Washington*

No. 94209-9

SUPREME COURT OF THE STATE OF WASHINGTON

JIN ZHU,

Plaintiff-Respondent,

v.

NORTH CENTRAL EDUCATION SERVICE DISTRICT NO. 171,

Defendant-Appellant.

CERTIFICATE OF SERVICE

RABI LAHIRI
WSBA #44214
rabi.lahiri@gmail.com

NANCY L. TALNER
WSBA #11196
talner@aclu-wa.org

ACLU OF WASHINGTON
FOUNDATION
901 Fifth Avenue, Suite 630
Seattle, Washington 98164
Tel: (206) 624-2184

*Attorneys for Amicus Curiae
American Civil Liberties Union of Washington*

CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2017, I caused to be served the foregoing
Motion for Leave to File Amicus Curiae Brief to the parties below, in the
manner noted:

Served Electronically Via Court Portal:

Gerald John Moberg
James Edyrn Baker
Jerry Moberg & Associates P.S.
P.O. Box 130 124 3rd Avenue SW
Ephrata, WA 98823-0130
jmoberg@jmlawps.com
jbaker@jmlawps.com

Michael Bradley Love
Michael Love Law, PLLC
905 W. Riverside Avenue, Suite 404
Spokane, WA 99201-1099
mike@michaellove.com

Matthew Zachary Crotty
Crotty & Son Law Firm, PLLC
905 W. Riverside Avenue, Suite 409
Spokane, WA 99201-1099
matt@crottyandson.com

Andrew Sean Biviano
Paukert & Troppmann, PLLC
522 W. Riverside Avenue, Suite 560
Spokane, WA 99201-0519
abiviano@pt-law.com

Jesse Andrew Wing
Samuel John Lunde Kramer
MacDonald Hoague & Bayless
705 2nd Ave, Suite 1500
Seattle, WA 98104-1745
jessew@mhb.com
esmeraldav@mhb.com
samk@mhb.com

Daniel Foster Johnson
Breskin Johnson & Townsend PLLC
1000 2nd Avenue, Suite 3670
Seattle, WA 98104
jtelegin@bjtlegal.com
djohnson@bjtlegal.com

Respectfully submitted this 28th day of July, 2017.

By: /s/Nancy Talner
Nancy Talner, WSBA No. 11196
ACLU OF WASHINGTON FOUNDATION
901 5th Avenue, Suite 630
Seattle, Washington 98164
(tel) (206) 624-2184