Hearing Date: 04/30/21
Hearing Time: 9:00 am
Judge/Calendar: Mary Sue Wilson

STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

DANIELLE PIERCE, ET AL., PLAINTIFFS, V. DEPARTMENT OF LICENSING, ET AL., DEFENDANTS.	NO. 20-2-02149-34 DEFENDANTS' REPLY

I. ARGUMENT

A. Plaintiffs' Claims Are Not Justiciable

Plaintiffs must satisfy all four justiciability factors to invoke the Court's jurisdiction, but have failed to invoke the third and fourth factors.

Under the third justiciability factor, Plaintiffs must demonstrate that they have a direct and substantial interest in the dispute. *To-Ro Trade Shows v. Collins*, 144 Wn.2d 403, 411, 27 P.3d 149 (2001) (discussing justiciability test). DOL argued that Plaintiffs' licenses were not suspended because of DOL's failure to include a process to determine their "ability to pay." *See* Defs.' Opp'n to Pls.' Mot. for Summ. J. and Cross-Mot. for Summ. J. (Opp. Br.) at 9-10. Rather, Plaintiffs' licenses were suspended because they committing traffic violations and failed to request or satisfy the ability to pay processes available at the courts. *Id*. Plaintiffs now argue for the first time that their interests in avoiding *fines* they could not afford should alone satisfy the third justiciability factor. Pls.' Reply at 23-24. In contrast, Plaintiffs' complaint alleged that DOL

ATTORNEY GENERAL OF WASHINGTON
Licensing & Administrative Law Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7676

lacks an "ability to pay" process when it suspends licenses, and did not allege dissatisfaction with the court's fee setting authority under RCW 46.63.110. Plaintiffs cannot now rely on this new alleged harm caused by a different unnamed defendant (the court) to satisfy this factor. Plaintiffs also argue that they have a direct and substantial interest because their licenses could be suspended at a future point in time. However, mere potential harm does not satisfy this factor. *To-Ro Trade Shows*, 144 Wn.2d at 411 (plaintiffs must show direct, not potential, interests).[1]

The fourth factor is also not met because Plaintiffs' desired relief is not available. *To-Ro Trade Shows*, 144 Wn.2d at 411 (requiring a dispute for which a judicial determination will be final and conclusive). Plaintiffs deny that an ability to pay process at DOL would unnecessarily duplicate the ability to pay process at the courts. Pls.' Reply at 24-25. They deny that having DOL evaluate a violator's ability to pay, after the court has just done so, places DOL in the untenable position of reviewing court orders, which only a superior court can do. *Id.* RALJ 2.2; *See Brown v. Owen*, 165 Wn.2d 706, 720-21, 206 P.3d 310 (2009) (under separation of powers, one branch may not interfere with another branch where doing so will "'threaten [] the independence or integrity or invade [] the prerogatives of another [branch]'"). But these denials are disingenuous. By asking for a duplicate hearing at DOL, Plaintiffs necessarily believe that the courts' fee determinations are flawed and a DOL process would correct the court's determination. Though it is obvious that Plaintiffs' solution lies with the courts who manage the payment of fines on a discretionary basis, Plaintiffs have not challenged RCW 46.63.110(6) that

[1] Moreover, Plaintiffs are not likely to lose their licenses in the future if they take advantage of the court process to make payments or perform community service. Whittaker Decl. ¶ 6 (Pierce is on a payment plan for $15 per month in Everett); Martin Decl., ¶ 9 (Comack is paying $10 per month on her Skagit County cases).

ATTORNEY GENERAL OF WASHINGTON
Licensing & Administrative Law Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7676

gives the courts that authority. Thus, Plaintiffs have not presented a dispute for which the Court can issue a final and conclusive determination to satisfy the fourth justiciability factor. [2, 3]

B. DOL Is Not Required to Determine Ability to Pay Court-Imposed Monetary Obligations Before Suspending the Driving Privilege

Plaintiffs fail to establish that procedural due process compels DOL to inquire into ability to pay before imposing a suspension, under the three-part test set forth in *Mathews v. Eldrige*, 424 U.S. 319, 96 S.Ct. 893, 47 L. Ed. 2d 18 (1976).[4] First, while a driver's license is an important private interest for purposes of due process,[5] the right is already protected by the existing court process that determines a violator's ability to pay before the driving privilege is suspended.[6] If Plaintiffs disagree with the monetary obligation or payment plan imposed by the court, Plaintiffs have a remedy to bring a challenge in the superior court. *See, e.g.*, RALJ 2.2.[7] Second, there is no risk of *erroneous* deprivation if DOL does not evaluate ability to pay because DOL's existing pre-suspension administrative review process ensures that DOL has accurate information about the identity of the violator and that the violator is subject to suspension.[8] Third, the state's interest in protecting the public from injury and death as a result of moving violations is substantial. Opp. Br. at 19-22. Finally, there is no dispute that the additional fiscal and administrative burdens of creating and administering a process to evaluate the ability to pay of every person who is

---

[2] Senate Bill 5226 passed the Legislature and goes into effect January 1, 2023, effectively mooting Plaintiffs' claims under the first justiciability factor. The new law eliminates the Department's authority to suspend licenses for failure to pay traffic infractions for moving violations. See http://lawfilesext.leg.wa.gov/biennium/2021-22/Pdf/Bills/Senate%20Passed%20Legislature/5226-S.PL.pdf?q=20210420111805, Sec. 3(6)(a)&(b), Sec. 4, Sec. 5(1), & Sec. 6(5).

[3] Plaintiffs cite *Grant County Fire Protection District No. 5 v. Moses Lake*, 150 Wn. 2d 791, 83 P.3d. 419 (2004) urging the Court to adopt a less rigid test for standing. Pls.' Reply at 24. But *Grant County* did not apply the less rigid test, and Plaintiffs do not provide any argument here for why the less rigid test applies.

[4] *See* Opp. Br., n.13.

[5] *City of Redmond v. Moore,* 151 Wn. 2d 664, 670-71, 91 P.3d 875 (2004).

[6] The court assesses monetary obligations following a violation, considers the possibility of a reasonable payment plan for those monetary obligations based on the driver's ability to pay, and notifies DOL when a driver has failed to pay the court-imposed monetary obligations. RCW 46.63.110(6); RCW 46.64.025. However, courts routinely modify these orders to allow lower payments or more time to pay both before and after suspension. RCW 46.63.289; *see, e.g.*, Martin Decl,

[7] There is no right to appeal an order mitigating an infraction. RCW 46.63.100; RALJ 2.2(a)(1).

[8] *See* RCW 46.20.245 (providing for administrative review); *City of Bellevue v. Lee*, 166 Wn.2d 581, 589, 210 P.3d 1011 (2009) (finding DOL's process satisfied due process).

ATTORNEY GENERAL OF WASHINGTON
Licensing & Administrative Law Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7676

suspended for failing to pay a fine are significant.[9] Thus, the *Matthew v. Eldridge* factors weigh in favor of DOL.

Plaintiffs do not cite any cases on point holding that DOL must have an ability to pay process before suspending a driver's license to satisfy the due process clause. The four cases Plaintiffs cite —*Bearden v. Georgia*, 461 U.S. 660, 103 S.Ct. 2064, 76 L. Ed. 2d 221 (1983), *Tate v. Short*, 401 U.S. 395, 91 S. Ct 668, 28 L. Ed. 2d 130 (1971), *Williams v. Illinois*, 399 U.S. 235, 90 S. Ct 2018, 26 L. Ed. 2d 586 (1970), and *State v. Blank*, 131 Wn.2d 230, 930 P.2d 1213 (1997) are inapposite. Pls.' Reply at 12. In the federal cases cited, the consequence of failing to pay monetary obligations was imprisonment, not the temporary suspension of the driving privilege.[10] In *State v. Blank*, defendants challenged a statute that allowed an appellate court to order convicted indigent defendants to pay appellate costs. *Blank,* 131 Wn.2d at 246. The Court rejected the defendants' challenge. *Id.* The Court held that because "ability to pay (and other financial considerations) must be inquired into before enforced payment or imposition of sanctions for nonpayment" and the statute "allows a defendant to seek remission at any time", sufficient guidelines were in place to satisfy due process. *Id*. That is the circumstance here—the courts that adjudicate traffic infractions, like the appellate courts in *Blank*, have authority to inquire into ability to pay, and violators can seek a payment plan at any time. These cases do not require DOL to also evaluate Plaintiffs' ability to pay.

Similarly, *State v. Johnson,* 179 Wn.2d 534, 315 P.3d 1090 (2014), does not compel that result. As explained previously, the *Johnson* Court *did not reach* the due process issue, holding that *Johnson* lacked standing because he could not demonstrate constitutional indigence. Plaintiffs similarly lack standing because they have not presented any argument or offered any

[9] The administrative burden to DOL is made heavier by the fact that when it receives a notice from the court to suspend a licensee, the notice does not differentiate between drivers who are suspended for *failure to pay* a traffic infraction, and those suspended for any other reason under RCW 46.20.289. Weaver Decl., ¶ 9.

[10] At least three federal cases have declined to extend *Bearden* to suspension of drivers' licenses for failure to pay traffic tickets: *Johnson v. Jessup*, 381 F. Supp. 3d 619 (M.D. N.C. 2019), appeal docketed, No. 19-1421 (4th Cir. Apr. 18, 2019); *Mendoza v. Garett*, 358 F. Supp. 3d 1145 (D. Or. 2018), appeal docketed, No. 19-25506 (9th Cir. June 11, 2019), and *Fowler v. Benson*, 924 F.3d 247 (6th Cir. 2019).

ATTORNEY GENERAL OF WASHINGTON
Licensing & Administrative Law Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7676

evidence that they are constitutionally indigent, and DOL does not concede this point. Plaintiffs do not escape the requirements of standing because they seek relief from a suspension rather than from a criminal conviction. Pls.' Mot. at 23. As was the case in *Johnson*, Plaintiffs must demonstrate standing because they base their claims on indigence and on the fact that such indigence was not evaluated before suspension.

Plaintiffs complain that drivers are not universally or uniformly afforded an opportunity to enter into a payment plan. Pls.' Reply Br. at 13-14. But, they do not point to any authority that due process demands uniformity in every court. The court administrator's declarations and the court websites demonstrate that the courts offer reasonable payment plans, based on ability to pay to all drivers, and some offer community service, including to these Plaintiffs.[11]

Plaintiffs' assertion that the existing court practices are biased and do not provide a competent and impartial tribunal is misplaced. Pls.' Reply Br. at 13-14. Unlike the cases Plaintiffs cite, where a defendant was deprived of a fair trial due to excluding African Americans from jury selection, *Peters v. Kiff*, 407 U.S. 493, 501-502, 33 L. Ed. 2d 83 (1972), and where parents were deprived of an impartial tribunal where a guardian ad litem committed misconduct, *Matter of Dependency of A.E.T.H.*, 9 Wn. App. 2d 502, 446 P.3d 667 (2019), there is no evidence here that the courts administer their programs in a manner resulting in bias. To the contrary, the court administrators' declarations establish the lengths courts go to provide payment plans to violators.

---

[11] *See, e.g.,* Chelan District Court payment plan https://www.co.chelan.wa.us/district-court/pages/payments?parent=Fees%20And%20Payments; Snohomish County District Court payment plan SignalManagement-ServicesTime-Pay-Application-PDF (snohomishcountywa.gov); Lynnwood Municipal Court payment plan https://www.lynnwoodwa.gov/files/sharedassets/public/municipal-court/collections/fillable-pre-collect-tp-application-english.pdf; Skagit County relicensing program https://skagitcounty.net/Departments/DistrictCourt/relicense htm; Whatcom County District Court payment plan https://www.whatcomcounty.us/427/Online-InfractionsPayment-Plan-Requests; Snohomish County District Court payment plan https://snohomishcountywa.gov/DocumentCenter/View/4670/SignalManagement-ServicesTime-Pay-Application-PDF?bidId=; and Everson-Nooksack Municipal Court payment plan https://www.ci.everson.wa.us/departments/make_court_payment.php.

ATTORNEY GENERAL OF WASHINGTON
Licensing & Administrative Law Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7676

The inability to challenge monetary obligations in the *suspension process* does not violate Plaintiffs' due process rights. Plaintiffs have failed to meet their heavy burden of demonstrating a due process violation beyond a reasonable doubt. *State v. Hennings*, 129 Wn.2d 512, 524, 919 P.2d 580 (1996).

C. RCW 46.20.289 Does Not Violate Equal Protection

Plaintiffs have the burden of demonstrating that the suspension statute violates equal protection, but have failed to meet their burden. *Merseal v. Dep't of Licensing,* 99 Wn. App. 414, 420, 994 P.2d 262, 266 (2000). They have not demonstrated that equal protection analysis applies to DOL's suspension statute, or that the statute does not withstand scrutiny.

1. Equal protection analysis does not apply

a. There is no facial classification

Plaintiffs maintain that DOL's suspension statute makes a classification on its face, but they make no argument for how the statute's actual language makes such a classification. Statutes that classify on their face do so in obvious fashion. *See, e.g.*, *State v. Shawn*, 122 Wn.2d 553, 559, 859 P. 2d 1220 (1993) (carving out a "class" of minor teenagers, aged 13 to 17, and imposing mandatory license revocations for consuming or possessing liquor). DOL's statute requires it to suspend licenses for everyone who fails to respond, fails to appear, and fails to comply with a citation for a moving violation. RCW 46.20.289. Because it applies equally to all drivers it does not create a class on its face.

b. The statute does not have the effect of burdening the Plaintiffs

Plaintiffs do not demonstrate that RCW 46.20.289 has the effect of creating a class that burdens them. Plaintiffs merely restate their argument that those who lack financial ability to pay face indefinite suspension and risk of criminal sanctions if they continue to drive. Pls.' Reply at 18. But, as explained above, these Plaintiffs fail to show their suspension was caused by DOL's lack of process. None of the Plaintiffs have alleged that they sought, but could not obtain, payment plans from any courts to avoid suspension. In addition, Plaintiffs' suspensions are not

ATTORNEY GENERAL OF WASHINGTON
Licensing & Administrative Law Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7676

indefinite. Danielle Pierce and Janie Comack are eligible to drive now and are making minimal payments on their payment plans.[12] Lacy Spicer paid her fine in full in Marysville, but has yet to seek an available payment plan from Chelan County District Court.[13] Amanda Gladstone may ask the Snohomish County district court to pull her cases from collections and create workable payment plans which the court routinely does.[14] She may ask for similar relief or ask to perform community service at Everson-Nooksack Municipal court.[15] Finally, any further enforcement for these Plaintiffs would not result from DOL's process, but from failing to follow through or choosing to drive suspended rather than seeking alternatives such as other forms of transportation.

2. If Equal Protection analysis applies, Plaintiffs' claims are not subject to intermediate scrutiny because Plaintiffs have not established that there is a semi-suspect class or that a license is an important right

a. There is no purposeful semi-suspect classification

Plaintiffs offer no argument for how the Legislature purposefully sought to burden the poor with its enactment of RCW 46.20.289. Thus, Plaintiffs have not identified a semi-suspect class in order to invoke intermediate scrutiny rather than rational basis review. *Pers. Adm'r of Mass. v. Feeney*, 442 U.S. 256, 272, 274, 279, 281, 99 S. Ct. 2282, 60 L. Ed. 2d 870 (1979); *Macias v. Dep't of Labor and Indus*., 100 Wn.2d 263, 267, 668 P.2d 1278 (1983); Opp. Br. at 16-17. Plaintiffs attempt to cast off their burden of proof to show a purposeful act of the Legislature by arguing that the cited cases do not apply, while making no argument of their own or citing any authority. Pls.' Reply at 18-19, n. 57. But, Plaintiffs misread *Feeney*. *Feeney* addressed allegations that a statute created a classification in effect based upon gender by giving preference for public employment to veterans (who were primarily male). Employment is not a fundamental right and gender is not a suspect class. *Feeney*, 442 U.S. at 273; *see, e.g.*, *Craig v. Boren*, 429

[12] Weaver Decl., ¶¶ 5, 7; Whittaker Decl. ¶ 6 (Pierce pays $15 per month to Everett Municipal Court); Martin Decl. ¶ 9 (Comack pays $10 per month to Skagit County District Court).

[13] Elsner Decl. ¶ 9; Garner Decl., ¶¶ 5-14.

[14] Boggie Decl., ¶ 8-9.

[15] Hanowell Decl., ¶¶ 6-8, 13.

ATTORNEY GENERAL OF WASHINGTON
Licensing & Administrative Law Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7676

U.S. 190, 97 S.Ct. 451, 50 L. Ed 2d 397 (1976). Thus, like this case, *Feeney* is not a strict scrutiny case. In contrast, *Macias* is a strict scrutiny case but it nevertheless applies here. It would make no sense if a Legislature's innocent act affecting a suspect class satisfied constitutional scrutiny, but the Legislature's innocent act affecting an alleged semi-suspect class did not. Plaintiffs' failure to present argument on how the statute's alleged effect on the poor was purposeful leads to the inevitable conclusion that there is not a semi-suspect classification.

b. Plaintiffs are not a semi-suspect class

Plaintiffs fail to cite any federal cases holding that the poor are a semi-suspect class. Pls.' Reply at 19. [16] Further, their attempt to fit this case under the indigent prisoners line of cases, arguing for the first time that the rights at issue here are liberty interests, is without support. Plaintiffs cite *Matter of Mota*, 114 Wn.2d 465, 474, 788 P.2d 538 (1990), and similar cases. But, the Washington Supreme Court has not extended semi-suspect status to the poor as an entire class. Rather, it has applied intermediate scrutiny to a unique setting involving *both* indigent prisoners *and* a loss of physical liberty. *See Mota*, 114 Wn.2d at 474 ("A higher level of scrutiny is applied to cases involving a deprivation of a liberty interest due to indigency."). Moreover, *Mota* and the other indigent prisoner cases Plaintiffs cite are distinguishable because Plaintiffs were not imprisoned at the time they incurred fines for their traffic infractions or when their licenses were suspended. Plaintiffs argue *Mota's* reference to "classes not accountable for their status" applies here, but Plaintiffs provide no argument in response to DOL's argument for how Plaintiffs meet this criterion. Opp. Br. at 17-18; Pls.' Reply at 19-20. Plaintiffs have not established that they are members of a semi-suspect class.

[16] The Supreme Court recognized the potential impact of doing so:"[I]n a sense, every denial of welfare to an indigent creates a wealth classification as compared to non-indigents who are able to pay for the desired goods or services. But this Court has never held that financial need alone identifies a suspect class for purposes of equal protection analysis." *Harris v. McRae*, 448 U.S. 297, 323, 100 S. Ct. 2671, 65 L. Ed. 2d 784 (1980).

ATTORNEY GENERAL OF WASHINGTON
Licensing & Administrative Law Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7676

c. A driver's license is not an important right for equal protection analysis

Plaintiffs do not refute DOL's controlling authority but instead cite inapplicable due process cases, and baldly state that the authority DOL cites is "implicitly overruled". *Merseal* is still good law. Plaintiffs attempt to distinguish *Merseal* because it involved a commercial driver's license, but the *Merseal* court did not ground its decision in the type of driver's license the plaintiff held. Rather, its holding rested on the fact that a driver's license is a privilege not a right. *Merseal*, 99 Wn. App. at 420-21 (needing a driver's license to maintain one's current job did "not alter the nature of the license extended by the State. It remains a privilege."). *Merseal* is not alone in making this pronouncement. The *Merseal* court relied on *Crossman v. Dep't of Licensing*, 42 Wn. App. 325, 329, 711 P.2d 1053 (1985), where the Court of Appeals refused to find that a *personal* license was an important right for purposes of applying strict scrutiny. *Id*., 99 Wn. App. at 420–21. Moreover, Plaintiffs' due process cases do not apply. Though "possession of a driver's license is recognized as an important interest for *procedural* due process analysis…the same interest cannot be 'important' for equal protection analysis". *Crossman*, 42 Wn. App. at 328-329. Plaintiffs have not met their burden of establishing a semi-suspect class or an important right and therefore intermediate scrutiny does not apply.

3. DOL's statute passes the rational basis and intermediate scrutiny tests

In response to DOL's argument, Plaintiffs offer only a theory that the Legislature's purpose for enacting RCW 46.20.289 was fiscal and not intended to protect public safety as DOL's evidence establishes. Pls.' Reply at 21. DOL suspends licenses for nonpayment of fines because, if a fine is not paid, the state requires an additional means of enforcing moving violations. Opp. Br. 19-22. Plaintiffs have failed to meet their heavy burden of showing that the Legislature did not have a rational basis for enacting the suspension statute and have failed to refute DOL's argument that the suspension statute furthers a substantial interest of the state under intermediate scrutiny.

ATTORNEY GENERAL OF WASHINGTON
Licensing & Administrative Law Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7676

D. Plaintiffs Cannot Establish an Excessive Fines Violation

Plaintiffs cite *Austin v. United States*, 509 U.S. 602, 609-10, 113 S. Ct. 2801, 125 L. Ed. 2d 488 (1993), involving a civil forfeiture of a body shop and home, for the proposition that a *fine* may be punitive if it is intended, at least in part, to punish. Pls.' Reply at 22. This analogy fails because Plaintiffs have not challenged the underlying court fines in this lawsuit or cited any authority establishing that an *administrative license suspension* is equivalent to a *fine* or civil forfeiture for constitutional purposes. In fact, Plaintiffs cite no authority in which a license suspension of any type has been invalidated under the Excessive Fines Clause. Moreover, courts have "almost universally held" that license suspensions are remedial, not punitive, because they protect the public. *State v. Scheffel*, 82 Wn.2d 872, 879, 514 P.2d 1052 (1973); *State v. Griffin,* 126 Wn. App. 700, 705, 109 P.3d 870, 873 (2005). Plaintiffs' attempt to parse suspensions, arising under RCW 46.20.289, from those for DUI or habitual traffic offenders, Plaintiffs' Reply Brief at 22, overlooks that the moving violations committed by Plaintiffs (e.g., speeding) are dangerous and the fines and suspensions work together to protect public safety.

Plaintiffs argue that their suspensions are grossly disproportionate because they may persist indefinitely, but suspensions last only as long as the fine is unpaid. As explained above, suspensions are proportionate because individuals can avoid losing their licenses, and may readily obtain them back by complying with reasonable payment plans or performing community service. RCW 46.20.289; *see United States v. Bajakajian*, 524 U.S. 321, 336-37, 118 S. Ct. 2028, 141 L. Ed. 2d 314 (1998) (a forfeiture is proportional if it bears some relationship to the gravity of the offense).

Finally, *Blake v. City of Grants Pass*, No. 1:18-CV-01823-CL, 2020 WL 4209227, at *11 (D. Or. July 22, 2020), is also inapposite as it involved a fine, not a license suspension. Plaintiffs have never argued that the underlying fine, which they have not challenged, punishes individuals for "unavoidably human acts" like sleeping or resting outside as was the case in *Blake*. *Id*. at *6.

ATTORNEY GENERAL OF WASHINGTON
Licensing & Administrative Law Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7676

Nor could they, given that the underlying traffic infractions that gave rise to Plaintiffs' suspensions are related solely to unlawful driving behavior.

Plaintiffs do not show a violation of the Excessive Fines Clause.

II. CONCLUSION

For the foregoing reasons, the Defendants respectfully request that the Court grant Defendants' Motion for Summary Judgment and deny Plaintiffs' Motion for Summary Judgment.

DATED April 23, 2021.

ROBERT W. FERGUSON
Attorney General

s/Dionne Padilla-Huddleston
DIONNE PADILLA-HUDDLESTON, WSBA # 38356
JACOB DISHION, WSBA #46578
LESLIE SEFFERN, WSBA # 19503
Assistant Attorney General, Attorneys for Defendants
E-mail: Dionne.PadillaHuddleston@atg.wa.gov
Jacob.Dishion@atg.wa.gov
Leslie.Seffern@atg.wa.gov
LalSeaEF@atg.wa.gov

ATTORNEY GENERAL OF WASHINGTON
Licensing & Administrative Law Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7676

PROOF OF SERVICE

I, Dionne Padilla-Huddleston, certify that I caused to be served a copy of **Defendants' Reply** on all parties or their counsel of record on the date below as follows:

Email Per Agreement

Don Scaramastra: don.scaramastra@foster.com
Elizabeth Gossman: elizabeth.gossman@foster.com
Eryn Hoerster: eryn.hoerster@foster.com
Kelly Mennemeier: kelly.mennemeier@foster.com
Hathaway Burden: hathawayb@summitlaw.com
Lisa Nowlin: lnowlin@aclu-wa.org
Mark Cooke: mcooke@aclu-wa.org
John Midgley: jmidgley@aclu-wa.org
Tracie Hooper-Wells: twells@aclu-wa.org

E-filed with

LINDA ENLOW, CLERK
THURSTON COUNTY SUPERIOR COURT
2000 LAKERIDGE DRIVE SW BLDG 2
OLYMPIA, WA 98502-6001

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 23rd day of April 2021 at Seattle, WA.

s/Dionne Padilla-Huddleston
DIONNE PADILLA-HUDDLESTON, WSBA # 38356

ATTORNEY GENERAL OF WASHINGTON
Licensing & Administrative Law Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7676