

CLARK COUNTY SUPERIOR COURT
IN AND FOR THE STATE OF WASHINGTON

D. ANGUS LEE, <p style="text-align: center;">PLAINTIFF,</p> vs. WASHINGTON STATE PATROL, <p style="text-align: center;">DEFENDANT.</p>	No. 20-2-01627-06 COMPLAINT FOR INJUNCTIVE RELIEF
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1 COMES NOW D. Angus Lee, by and through the Angus Lee Law Firm, PLLC, to bring
2 this Complaint and allege as follows:

3 **I. NATURE OF ACTION**

4 1.1 This action seeks a temporary restraining order, preliminary injunction, and
5 permanent injunctive relief against defendant Washington State Patrol (WSP), pursuant to RCW
6 7.40 for the narrow purpose of preventing the WSP from actively facilitating gatherings in
7 violation of Governor Inslee’s Proclamation 20.25 through 20-25.7.

8 1.2 The WSP, through its police department, did exactly that, when it actively
9 facilitated a gathering of approximately 250 people in June of this year.

10 1.3 Active facilitation of gatherings by the WSP, in violation of Governor Inslee’s
11 Proclamation 20.25 through 20-25.7, would cause real and lasting harm to Mr. Lee and the
12 community as it may spread COVID-19. In addition, actively facilitating gatherings in violation



1 of Governor Inslee’s Proclamation 20.25 through 20-25.7 would not only violate Proclamations
2 20-25 through 20-25.7, but would also be a criminal violation of RCW 43.06.220. Accordingly,
3 Mr. Lee is entitled to an injunction under RCW 7.40 prohibiting the WSP, as well as its employees
4 and agents, from actively facilitating gatherings in violation of Governor Inslee’s Proclamation
5 20.25 through 20-25.7.

6 **II. JURISDICTION, VENUE, AND STANDING**

7 2.1 The Clark County Superior Court has subject matter jurisdiction under RCW
8 7.40.010.

9 2.2 The Clark County Superior Court has personal jurisdiction over WSP, as WSP is
10 located and operating in the jurisdiction of Clark County Superior Court. Additionally, the acts
11 and omissions complained of here took place in Vancouver Washington, the jurisdiction of the
12 Clark County Superior Court.

13 2.3 Venue is proper in this court under RCW 4.12.020.

14 **III. PARTIES**

15 3.1 Plaintiff D. Angus Lee, is a private individual residing in Clark County,
16 Washington.

17 3.2 Defendant Washington State Patrol is an organization that exists and operates in
18 Clark County, Washington.

19 **IV. STATEMENT OF FACTS**

20 ***The COVID-19 situation***

21 4.1 On February 29, 2020, Governor Inslee issued Proclamation 20-05, proclaiming a
22 State of Emergency for all counties throughout the state of Washington as a result of the

1 coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-
2 person spread of COVID-19 in Washington State.

3 4.2 Because of the continued worldwide spread of COVID-19, its significant
4 progression in Washington State, and the high risk it poses to our most vulnerable populations,
5 Governor Inslee have subsequently issued amendatory Proclamations 20-06 through 20-53 and
6 20-55 through 20-63, exercising his emergency powers under RCW 43.06.220 by prohibiting
7 certain activities and waiving and suspending specified laws and regulations.

8 4.3 Proclamation 20-25 states:

9 **All people in Washington State shall immediately cease participating in**
10 **all public and private gatherings and multi-person activities for social,**
11 **spiritual and recreational purposes, regardless of the number of people**
12 **involved, except as specifically identified herein.** Such activity includes,
13 but is not limited to, community, civic, public, leisure, faith-based, or
14 sporting events; parades; concerts; festivals; conventions; fundraisers; and
15 similar activities.

16 4.4 Governor Inslee issued Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 (Stay
17 Home – Stay Healthy), and Governor Inslee subsequently issued Proclamation 20-25.4 on May
18 31, 2020, (“Safe Start – Stay Healthy” County-By-County Phased Reopening), wherein Governor
19 Inslee amended and transitioned the previous proclamations’ prohibitions to the “Safe Start – Stay
20 Healthy” framework, prohibiting all people in Washington State from leaving their homes except
21 under certain circumstances and limitations based on a phased reopening of counties as established
22 in Proclamation 20-25.4, et seq., and according to the phase each county was subsequently
23 assigned by the Secretary of Health.

24 4.5 When Governor Inslee issued Proclamation 20-25.4 on May 31, 2020, Governor
25 Inslee ordered that, beginning on June 1, 2020, counties would be allowed to apply to the
26 Department of Health to move forward to the next phase of reopening more business and other

1 activities; and by July 2, 2020, a total of five counties were approved to move to a modified version
2 of Phase 1, 17 counties were in Phase 2, and 17 counties were in Phase 3.

3 4.6 When Governor Inslee issued the Safe Start– Stay Healthy order (Proclamation 20-
4 25.4) on May 31, 2020, there were approximately 21,349 cases of COVID-19 in Washington State
5 with 1,118 deaths; and when Governor Inslee issued the Safe Start-Stay Healthy order
6 (Proclamation 20-25.5) on July 1, 2020, there were approximately 32,824 cases and 1,332 deaths.

7 4.7 On July 1, 2020, when Governor Inslee issued Proclamation 20-25.5 (“Safe Start –
8 Stay Healthy” County-By-County Phased Reopening), Governor Inslee amended the previous
9 proclamations, and incorporated the prohibitions involving statewide face coverings in Order of
10 the Secretary of Health 20-03; and prohibited, among other things, employers from failing to
11 cooperate with public health authorities; and updated the Reopening Plan.

12 4.8 On July 2, 2020, due to the increased COVID-19 infection rates across the state,
13 Governor Inslee ordered a freeze on all counties moving forward to a subsequent phase, and that
14 freeze remains in place today while Governor Inslee work with the Department of Health and other
15 epidemiological experts to determine appropriate strategies to mitigate the recent increased spread
16 of the virus and increased hospitalizations and deaths, and those strategies may include restricting
17 some business and other activities.

18 4.9 When Governor Inslee last issued an extension of the Safe Start– Stay Healthy order
19 (Proclamation 2025.6) on July 7, 2020, the Department of Health reported that there were 37,420
20 cases, 4,723 hospitalizations and 1,384 deaths; and just over 2 weeks later (16 days), on July 23,
21 2020, there were 50,009 cases, 5,276 hospitalizations and 1,482 deaths, **demonstrating the**
22 **ongoing present threat and a dangerous upward spread of this lethal disease, and an**
23 **apparent disregard by many individuals for the health and safety** measures recommended by

1 the Washington State Department of Health and the Centers for Disease Control and Prevention
2 to control its spread.

3 4.10 The COVID-19 disease, caused by a virus that spreads easily from person to person
4 which may result in serious illness or death and has been classified by the World Health
5 Organization as a worldwide pandemic, has broadly spread throughout Washington State and
6 remains a significant health risk to all of our people, especially members of our most vulnerable
7 populations.

8 4.11 According to Governor Inslee’s Proclamation issued on July 24, 2020, health
9 professionals and epidemiological modeling experts advise that Washington is still in a state of
10 COVID-19 outbreak, and pauses in phase reopening, **restrictions on gathering size**, and increased
11 mask use **may help prevent Washington from experiencing the crisis situation** in Florida and
12 Arizona.

13 4.12 According to Governor Inslee’s Proclamation issued on July 24, 2020, the United
14 States Centers for Disease Control and Prevention recommends that, in addition to its
15 recommendation to “**maintain six-feet of physical distance from non-household members** and
16 frequent hand washing with soap and water or alcohol-based hand sanitizer, people wear cloth face
17 coverings when they are in public settings where they cannot reliably maintain six feet of distance
18 from others at all times, **given the substantial increase in the numbers of cases of COVID-19**
19 **infection, these precautions must be mandatory.**” (Emphasis added).

20 4.13 According to Governor Inslee’s Proclamation issued on July 24, 2020, the
21 worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the
22 life and health of our people as well as the economy of Washington State, and remains a public
23 disaster affecting life, health, property or the public peace.

1 4.14 The Washington State Department of Health continues to maintain a Public Health
2 Incident Management Team in coordination with the State Emergency Operations Center and other
3 supporting state agencies to manage the public health aspects of the incident.

4 4.15 The Washington State Military Department Emergency Management Division,
5 through the State Emergency Operations Center, continues coordinating resources across state
6 government to support the Department of Health and local health officials in alleviating the
7 impacts to people, property, and infrastructure, and continues coordinating with the Department
8 of Health in assessing the impacts and long-term effects of the incident on Washington State and
9 its people.

10 4.16 **Governor Inslee’s issued Proclamation issued 20-25.7 on July 24, 2020, in**
11 **which he proclaimed and ordered that a State of Emergency continues to exist in all counties**
12 **of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect**
13 **as otherwise amended, and that, to help preserve and maintain life, health, property or the**
14 **public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25, et seq., are amended**
15 **to extend all of the prohibitions described therein until the order is amended or rescinded,**
16 **and all other provisions of Proclamations 20-25, et seq., shall remain in full force and effect.**

17 4.17 Proclamation 20-25.7 went on to order that individuals should “practicing physical
18 distancing, staying at least six feet away from other people.”

19 4.18 Proclamation 20-25.7 concluded with the following warning:

20 Violators of this order may be subject to criminal penalties pursuant to
21 RCW 43.06.220(5). Further, if people fail to comply with the required social
22 distancing and other protective measures while engaging in this phased
23 reopening, I may be forced to reinstate the prohibitions established in earlier
24 proclamations.

1 This order goes into effect immediately, and remains in effect until the state
2 of emergency, issued on February 29, 2020, pursuant to Proclamation 20-
3 05, is rescinded or until this order is amended or rescinded.

4 4.19 According to Governor Inslee’s Proclamation 20-25.5, “[m]odelers continue to
5 agree that fully relaxing social distancing measures will result in a sharp increase in the number of
6 cases.”

7 ***WSP endangered public health by facilitating mass gathering in violation of law***

8 4.20 In June of 2020, while the above described proclamations were in effect, and when
9 public civic gatherings were specifically prohibited by Proclamation 20-25, and its iterations, the
10 WSP facilitated a gathering of hundreds of people in the downtown Vancouver area and on
11 Interstate 5.

12 4.21 In an email from WSP Captain Jason Linn to WSP Chief John Batiste, the day
13 before the gathering, Captain Lin wrote that the WSP’s involvement with the mass gathering would
14 involve closing Interstate 5 if needed for the gathering.

15 4.22 The day before the mass gathering WSP also circulated a 15 page action plan
16 entitled “Interstate 5 Protest Closure Action Plan.”

17 4.23 According to the WSP closure plan, the WSP planned to “facilitate” the gathering
18 and divert traffic around the mass gathering.

19 4.24 The plan also called for the closure of Interstate 5 to facilitate the mass gathering.

20 4.25 According to the WSP plan, “WSP and WSDOT will provide traffic control
21 services in support of the” mass gathering.

22 4.26 In addition to the WSP, multiple officers from the Vancouver Police Department
23 attended that mass gathering and some took photos with participants of the gathering while the
24 officers were not wearing a mask.

1 4.27 One such Vancouver Police Officer in attendance was Pat Moore.

2 4.28 On or about July 30th, 2020, Mr. Lee conducted an interview of Vancouver Police
3 Officer Pat Moore.

4 4.29 During that interview, Officer Pat Moore acknowledged that he was at that mass
5 gathering in June 2020.

6 4.30 During that interview, Officer Pat Moore acknowledged that there were
7 approximately 250 people at the gathering, and that they were essentially shoulder to shoulder in
8 very close proximity to one another.

9 4.31 Officer Moore also acknowledged that prior to the event there was a law
10 enforcement briefing that he believed included a representative from the WSP.

11 4.32 In fact, WSP officers were at the event briefing.

12 4.33 According to Officer Moore, there was no discussion at the briefing about
13 enforcement of the governor's proclamation as it relates to social distancing.

14 4.34 According to a report from the Columbian, the police then closed the southbound
15 lanes of I-5 to assist the gathering, and traffic was then detoured via Highway 14 to I-205.

16 4.35 In fact, WSP officers closed the southbound lanes of I-5 to assist the gathering so
17 that participants could occupy the freeway in a mass gathering in violation of the emergency
18 proclamations, and then detoured traffic via Highway 14 to I-205.

19 4.36 WSP also blocked traffic so that the gathering could cross the bridge by walking in
20 the roadway of the bridge, thereby interfering with interstate travel.

21 4.37 More mass gatherings in violation of the proclamations are certain to occur in the
22 months to come.

1 4.38 WSP will almost certainly continue to actively facilitate these gatherings if a court
2 order enjoining WSP is not entered immediately.

3 4.39 Allowing WSP to actively facilitate gatherings in violation of Governor Insless'
4 proclamations would place the community and Mr. Lee at serious risk of exposure to, and
5 increased spread of, COVID-19.

6 **V. CAUSE OF ACTION FOR RELIEF**

7 5.1 Plaintiff Mr. Lee hereby restates and incorporates by reference all paragraphs of
8 this Complaint as if fully set forth herein.

9 5.2 Plaintiff Mr. Lee has a clear legal and equitable right in prohibiting Defendant from
10 actively facilitating gatherings in violation of the emergency proclamations.

11 5.3 Under RCW 7.40.020 When it appears by the complaint that the plaintiff is entitled
12 to the relief demanded and the relief, or any part thereof, consists in restraining the commission or
13 continuance of some act, the commission or continuance of which during the litigation would
14 produce great injury to the plaintiff, an injunction may be granted to restrain such act until the
15 further order of the court, which may afterwards be dissolved or modified upon motion.

16 5.4 Under RCW 7.40.040, an injunction may be granted at the time of commencing the
17 action, or at any time afterwards, before judgment in that proceeding.

18 5.5 Unless WSP is first temporarily and then permanently enjoined from actively
19 facilitating gatherings in violation of Governor Inslee's Proclamation 20.25 through 20-25.7, Mr.
20 Lee and the community are at serious risk of irreparably harm because WSP is very likely to
21 actively facilitate gatherings in violation of Governor Inslee's Proclamation 20.25 through 20-25.7
22 as evidenced by the fact that WSP has already done so openly.

1 6.4 To the extent allowed by law, an award of attorneys' fees and costs incurred in this
2 action; and

3 6.5 For such other legal and equitable relief as the Clark County Superior Court deems
4 appropriate.

5 DATED August 26, 2020

6 S// D. Angus Lee

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