

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

EXPEDITE

Hearing is set: _____

Date: _____

Time: _____ 8

Judge/Calendar: _____

RECEIVED
CENTRAL OFFICE

DEC 23 10:30

ATTORNEY GENERAL

FILED

DEC 23 2008

SUPERIOR COURT
BETTY J. GOULD
THURSTON COUNTY CLERK

SUPERIOR COURT OF WASHINGTON
FOR THURSTON COUNTY

WASHINGTON FEDERATION OF STATE
EMPLOYEES; and BRENDAN WILLIAMS,
State Representative,

Plaintiffs,

v.

CHRISTINE O. GREGOIRE, GOVERNOR,
OFFICE OF FINANCIAL MANAGEMENT,
AND VICTOR A. MOORE, DIRECTOR
AND THE STATE OF WASHINGTON,

Defendants.

NO. 08-2-02883-3

SUMMONS

TO THE DEFENDANTS: A lawsuit has been started against you in the above-entitled court by the Washington Federation of State Employees and Brendan Williams, State Representative, plaintiffs. Plaintiffs' claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service (or if served upon you out of the State of Washington, then within 60 days after service), or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what they ask for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered.

SUMMONS

YOUNGLOVE & COKER, P.L.L.C.
ATTORNEYS AT LAW
WESTHILLS II OFFICE PARK
1800 COOPER POINT RD SW, BLDG 16
PO BOX 7846
OLYMPIA, WASHINGTON 98507-7846
FACSIMILE (360) 754-9268
OFFICE@YLCLAW.COM
(360) 357-7791

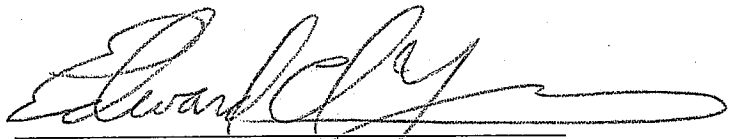
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on you of this summons and complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of Washington.

YOUNGLOVE & COKER, P.L.L.C.



Edward Earl Younglove III, WSBA#5873
Attorney for Plaintiffs
Westhills II Office Park
1800 Cooper Point Road SW, Bldg. 16
PO Box 7846
Olympia, WA 98507-7846
(360) 357-7791

DATED: December 19, 2008

SUMMONS

YOUNGLOVE & COKER, P.L.L.C.
ATTORNEYS AT LAW
WESTHILLS II OFFICE PARK
1800 COOPER POINT RD SW, BLDG 16
PO BOX 7846
OLYMPIA, WASHINGTON 98507-7846
FACSIMILE (360) 754-9268
OFFICE@YLCLAW.COM
(360) 357-7791

- 1
2
3
4
5
6
7
- EXPEDITE
 Hearing is set:

Date: _____

Time: _____

Judge/Calendar: _____

8
9
10
11
12
13
14
15
16
17

SUPERIOR COURT OF WASHINGTON
FOR THURSTON COUNTY

WASHINGTON FEDERATION OF STATE
EMPLOYEES; and BRENDAN WILLIAMS,
State Representative,

Plaintiffs,

v.

CHRISTINE O. GREGOIRE, GOVERNOR,
OFFICE OF FINANCIAL MANAGEMENT,
AND VICTOR A. MOORE, DIRECTOR
AND THE STATE OF WASHINGTON,

Defendants.

NO. 08-2-02883-3

COMPLAINT

18
19
20
21
22

Come now the plaintiffs and complain and allege as follows:

I. PARTIES

1.1 The Washington Federation of State Employees (WFSE) is Council 28 of the American Federation of State, County and Municipal Employees, AFL-CIO. The WFSE is a labor organization representing approximately 40,000 civil service employees of the State of Washington.

COMPLAINT

1

YOUNGLOVE & COKER, P.L.L.C.
ATTORNEYS AT LAW
WESTHILLS II OFFICE PARK
1800 COOPER POINT RD SW, BLDG 16
PO BOX 7846
OLYMPIA, WASHINGTON 98507-7846
FACSIMILE (360) 754-9268
OFFICE@YLCLAW.COM
(360) 357-7791

1 Washington University and Whatcom Community College) with the WFSE for bargaining units at
2 those institutions represented by the WFSE. In such negotiations, OFM was acting as the bargaining
3 agent and designee of the respective institutions. The parties agreed to the terms of the agreement,
4 with the express or implied understanding that by his agreement, the Director of OFM was
5 committing to certify that the contractual commitments were financially feasible for the state.

6 2.3 Prior to October 1, 2008, representatives for the University of Washington,
7 Washington State University and Eastern Washington University negotiated CBAs with the WFSE
8 for bargaining units of employees represented by the WFSE and employed at the respective
9 institutions. The WFSE believes and therefore alleges that prior to and throughout the negotiations,
10 the respective universities consulted with representatives of OFM, and specifically did so
11 immediately prior to entering into a final agreement. The parties agreed to the terms of the
12 agreements, with the express or implied understanding that by his participation, agreement and
13 knowledge of the terms, the Director of OFM was committing to certify that the contractual
14 commitments were financially feasible for the state.

15 2.4 The aforementioned CBAs are collectively referred to herein as the 2009-2011 CBAs.
16 The 2009-2011 CBAs included wage increases agreed to by the parties for employees covered by the
17 respective agreements, as well as other agreed-to financial benefits for employees.

18 2.5 By the late summer of 2008 the defendants were well aware of and in fact had
19 discussions with WFSE representatives about the downturn in the economy and the worsening
20 economic conditions. These were reasons the financial aspects of the 2009-2011 CBAs (e.g. wage
21 increase percentages) were the lowest ever negotiated by the parties.
22

1 to fund the 2009-2011 CBAs to the Legislature constitute breaches of an express, implied or
2 constructive contractual promise to do so, by virtue of the Governor's designee's (the OFM)
3 agreement to the contracts and participation and consultation in the collective negotiations. The
4 defendants' conduct further constitutes a breach of a covenant of good faith and fair dealing.

5 3.4 Declaratory Relief. The conduct of the Director of OFM and of the Governor affects
6 the rights and interests of the WFSE and its membership, and of the members of the Washington
7 State 2009 Legislature. Exercising the authority provided in RCW Ch. 7.24, the court should declare
8 that Laws of 2002, Ch. 354, Sec. 303(3), and RCW 41.80.010(3) are illegal to the extent that they
9 purport to prohibit the 2009 Legislature from adopting legislation funding the 2009-2011 CBAs, on
10 the basis that one Legislature (the 2002 Legislature) cannot enact a statute that prevents a future
11 Legislature (the 2009 Legislature) from exercising its law-making power.

12 3.5 Injunctive Relief. The plaintiffs have no plain, speedy or adequate remedy at law,
13 and are entitled to injunctive relief pursuant to RCW Ch. 7.40, requiring the Governor to submit a
14 request to the 2009 Legislature for funding of the 2009-2011 CBAs.

15 3.6 Mandamus. The law (RCW 41.80.010(3)) compels the Governor to submit a request
16 to the 2009 Legislature for funding of the 2009-2011 CBAs, and a Writ of Mandate should issue
17 pursuant to RCW Ch. 7.16, directing the Governor to submit such a request for funding.

18
19 WHEREFORE, plaintiffs pray as follows:

20 1. For an order finding the defendants guilty of an unfair labor practice and, as a
21 remedy, directing that the Governor publicize the finding to state employees, and further directing
22 her to forthwith submit a request to the Legislature to fund the 2009-2011 CBAs.

SUPERIOR COURT OF WASHINGTON
FOR THURSTON COUNTY

Plaintiff/Petitioner,

vs.

Defendant/Respondent

NO. 08-2-02883-3

NOTICE OF ASSIGNMENT/ (NTAS)
NOTICE OF STATUS CONFERENCE (NTC)

TO: THURSTON COUNTY CLERK
ATTORNEYS/LITIGANTS

PLEASE TAKE NOTICE:

1. That the above-noted case is assigned to:

The Honorable Carol Murphy

2. That the Status Conference is scheduled for 9:00 a.m. March 27, 2009.

Dated this 23rd day of December, 2008.

All parties should be familiar with Local Civil Rule 16(d) which requires in part that parties or lead counsel attend and that the parties or counsel shall communicate with each other concerning the case schedule order before the status conference.

THURSTON COUNTY SUPERIOR COURT
2000 LAKERIDGE DRIVE SW
OLYMPIA WA 98502
(360) 786 - 5560

NOTICE OF ASSIGNMENT/
NOTICE OF STATUS CONFERENCE