
SUPREME COURT OF THE STATE OF WASHINGTON

**CAROLA WASHBURN AND JANET LOH,
INDIVIDUALLY AND ON BEHALF OF
THE ESTATE OF BAERBEL K. ROZNOWSKI,
A DECEASED PERSON,**

RESPONDENTS,

V.

**CITY OF FEDERAL WAY,
A WASHINGTON MUNICIPAL CORPORATION,**

PETITIONER.

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

Sandra S. Park
Lenora M. Lapidus
ACLU Women's Rights Project
125 Broad St. 18th Fl.
New York, NY 10004
(212) 519-7871
spark@aclu.org

Steven M. Watt
ACLU Human Rights Program
125 Broad St. 18th Fl.
New York, NY 10004
(212) 519-7870
swatt@aclu.org

Sarah A. Dunne, WSBA #34869
dunne@aclu-wa.org
Nancy L. Talner, WSBA #11196
talner@aclu-wa.org
ACLU of Washington Foundation
901 Fifth Avenue, Suite 630
Seattle, WA 98164
(206) 624-2184

Lisa Gouldy, WSBA # 45007
lmg376@nyu.edu
1923 5th Ave. W
Seattle, WA 98119
(610) 737-1811

Attorneys for Amici Curiae

I. IDENTITY AND INTEREST OF AMICUS

The American Civil Liberties Union (“ACLU”) is a national, nonpartisan public interest organization of more than 500,000 members, dedicated to the principles of liberty and equality. Through its Women’s Rights Project, founded in 1972 by Ruth Bader Ginsburg, the ACLU has taken a leading role in recent years advocating for the rights of survivors of gender-based violence. The ACLU’s Human Rights Program, founded in 2004, works to bring a human rights analysis to its United States advocacy. Together, they have sought to strengthen governments’ responses to domestic violence and the remedies available to victims.

The American Civil Liberties Union of Washington (“ACLU-WA”) is a statewide, nonpartisan, nonprofit organization of over 20,000 members, dedicated to the preservation of civil liberties. ACLU-WA strongly supports police accountability and the availability of state tort remedies as a form of government accountability. It also has participated as *amicus* in cases involving this state’s important public policy of protecting domestic violence victims. *See, e.g., Indigo Real Estate Services v. Rousey*, 151 Wn.App. 941, 215 P.3d 977 (2009).

II. FAMILIARITY WITH ISSUES

Counsel for Amicus has reviewed the parties’ briefs filed in this Court and in the Court of Appeals, and the briefs filed by other amici.

Counsel is familiar with the scope of the arguments presented by others in this case and has not unduly repeated their arguments. The American Civil Liberties Union was counsel for Petitioner in the case of *Jessica Lenahan (Gonzales) v. United States* before the Inter-American Commission on Human Rights, which involved issues of law and fact similar to those in this case, and which in 2011 resulted in a finding by the Commission that the United States had violated the human rights of Ms. Lenahan when police did not respond adequately to the danger of domestic violence posed to her and her family by her abusive ex-husband.

III. ISSUE TO BE ADDRESSED BY AMICI

Whether state tort law, particularly as interpreted in light of international human rights law, supports a legally enforceable duty on the part of local police agencies to take reasonable measures to separate the parties and ensure the safety of the victim when serving a protection order.

IV. WHY AMICUS BRIEFING WILL ASSIST THE COURT

The ACLU has extensive expertise in international human rights authorities relating to domestic violence issues. The ACLU amicus brief contains extensive authority relevant to the issues before the Court, which will assist the Court in evaluating the legal arguments presented by the

parties. A well informed decision is essential and the authority in the amicus brief will aid the Court in its consideration of the case.

V. CONCLUSION

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

Respectfully submitted this 24th day of May, 2013.

A handwritten signature in black ink, reading "Nancy L. Talner", is written over a horizontal line.

Sandra S. Park
Lenora M. Lapidus
ACLU Women's Rights Project

Steven Watt
ACLU Human Rights Program

Nancy L. Talner, WSBA #11196
Sarah A. Dunne, WSBA #34869
ACLU of Washington Foundation

Lisa Gouldy, WSBA #45007
ACLU-WA Cooperating Attorney

Attorneys for Amici Curiae