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IN THE SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

LEGAL COUNSEL FOR YOUTH AND CHILDREN, a nonprofit organization; LAVENDER RIGHTS PROJECT, a nonprofit organization; MOMSRISING, a nonprofit organization; OASIS YOUTH CENTER, a nonprofit organization; PEOPLE OF COLOR AGAINST AIDS NETWORK, a nonprofit organization; SEXUAL VIOLENCE LAW CENTER, a nonprofit organization; SOUTHWEST WASHINGTON EQUITY COALITION, a nonprofit organization; KARI LOMBARD, in her individual capacity; JANE DOE, in her individual capacity; and, SOUTH WHIDBEY SCHOOL DISTRICT, a public school district,

Plaintiffs,

v.

STATE OF WASHINGTON,

Defendant.

No. 24-2-11540-4 SEA

ORDER GRANTING IN PART
AND DENYING IN PART
MOTION FOR PRELIMINARY
INJUNCTION

I. FINDINGS AND CONCLUSIONS

This matter comes before the Court on the Plaintiffs’ Motion for Preliminary Injunction filed by LCYC, LRP, MomsRising, Oasis Youth Center, POCAAN, SVLC, SWEC, Kari Lombard, Jane Doe, and SWSD (“Plaintiffs”). The Court, having thoroughly considered Plaintiffs’ Motion, and the declarations and exhibits filed in support of the Motion, Washington State’s

1 opposition, the response of Let’s Go Washington, Jim Walsh, Informed Choice Washington, and
2 One Washington (“Defendant-Intervenors”), the applicable law, the relevant portions of the
3 record, and the arguments, makes the following Conclusions and Findings:

- 4 1. The Court finds that Defendant Washington State and Defendant-Intervenors were
5 provided notice of this motion.
- 6 2. The Court concludes Plaintiffs have shown all five factors necessary for the
7 issuance of the preliminary injunction as to portions of Initiative 2081 related to the
8 time in which schools must provide records and to students’ medical, health, and
9 mental health confidentiality: (1) There is an inadequacy of legal remedies; 2) a
10 clear legal or equitable right; (3) a well-grounded fear of immediate invasion of that
11 right; (4) the acts complained of have or will result in actual and substantial injury;
12 and (5) the relative equities of the parties in the public interest favor granting the
13 injunction. *Kucera v. State, Dep’t of Transp.*, 140 Wn.2d 200, 210, 995 P.2d 63, 69
14 (2000).
- 15 3. Plaintiffs have shown there is an inadequate legal remedy;
- 16 4. Plaintiffs have shown a clear legal or equitable right under Article II, Section 37 as
17 to the portions of Initiative 2081 related to the time in which schools must provide
18 records and to students’ medical, health, and mental health confidentiality;
- 19 5. Plaintiffs have shown a well-grounded fear of immediate invasion of that right;
- 20 6. The acts complained of have or will result in actual and substantial injury; and
- 21 7. The relative equities of the parties in the public interest favor granting the
22 injunction.

23 Accordingly, the Court enters the following Order.
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1 **ORDER**

2 Pursuant to Civil Rule 65 and RCW 7.40, the Court GRANTS IN PART Plaintiffs’ Motion
3 for Preliminary Injunction and preliminarily ENJOINS Washington State as follows:

- 4 1. Washington State shall cease all implementation and enforcement of:
 - 5 a. Initiative 2081’s portions related to the time in which schools must provide
 - 6 records, including subsection (2)(b)(i)’s requirement that parents “receive a
 - 7 copy of their child’s records within 10 business days of submitting a written
 - 8 request, either electronically or on paper;” and
 - 9
 - 10 b. Initiative 2081 to the extent that it requires disclosure of medical, health, and
 - 11 mental health records and/or information protected by RCW 70.02.020.
- 12 2. Because this is a non-commercial case and the balance of hardships favors
- 13 Plaintiffs, the Court determines that the giving of security by the Plaintiffs of \$0.00
- 14 is proper. The Court deems a bond is unnecessary.
- 15
- 16 3. This Order shall remain in effect until the Court has made a determination on the
- 17 merits of the case, or until further Order by this Court.

18 The Court DENIES IN PART Plaintiffs’ Motion for a preliminary injunction as to the
19 remaining portions of Initiative 2081.

20 Dated this 24th day of June, 2024.

21 *Electronic signature attached*
22 By: _____
23 JUDGE MICHAEL R. SCOTT

24 *Presented by:*

25 QLaw FOUNDATION OF WASHINGTON

26 By: /s/ J. Denise Diskin
27 J. Denise Diskin, WSBA #41425
QLaw Foundation of Washington

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Attorneys for Plaintiffs

King County Superior Court
Judicial Electronic Signature Page

Case Number: 24-2-11540-4
Case Title: LEGAL COUNSEL FOR YOUTH AND CHILDREN ET AL VS
STATE OF WASHINGTON
Document Title: ORDER RE MOTION FOR PRELIMINARY INJUNCTION

Signed By: Michael R. Scott
Date: June 24, 2024



Judge: Michael R. Scott

This document is signed in accordance with the provisions in GR 30.

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