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IN THE SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

WASHINGTON COMMUNITY ALLIANCE,
a nonprofit organization; WILLIAM
HUMMEL, in his individual capacity; NICOLE
Ó CATHÁIN, in her individual capacity; and
MICHAEL SOBEL, in his individual capacity,

No. 24-2-24882-0

COMPLAINT

Plaintiffs,

v.

THE CITY OF SEATTLE; THE SEATTLE
CITY ATTORNEY’S OFFICE; ANN
DAVISON, in her official capacity as Seattle
City Attorney; SCOTT LINDSAY, in his
official capacity as Deputy Seattle City
Attorney; and FRED WIST II, in his official
capacity as the Criminal Division Chief of the
Seattle City Attorney’s Office,

Defendants.

I. INTRODUCTION

1.1 This is a lawsuit challenging the Seattle City Attorney’s gross misuse of prosecutorial power to bar a judge from presiding over the cases she was elected to adjudicate.

1.2 In Washington State, judges are nonpartisan officials elected by the people. Each of the seven judge who preside over cases in Seattle Municipal Court are elected by popular vote.

1.3 Prosecuting attorneys have wide discretion in exercising their duties as prosecutor;

1 however, their power is not limitless.

2 1.4 In April of 2024, the Seattle City Attorney’s Office announced a mandatory policy
3 directing every assistant prosecuting attorney to file an affidavit of prejudice against Judge Pooja
4 Vaddadi. *See* Exhibit A (“Affidavit Policy”).

5 1.5 Seattle Municipal Court’s primary function is adjudicating misdemeanor criminal
6 cases.

7 1.6 Given that the Seattle City Attorney is a party to every misdemeanor criminal case
8 in Seattle Municipal Court, the City Attorney’s Affidavit Policy effectively removed Judge
9 Vaddadi from the bench.

10 1.7 Through its Affidavit Policy, the Seattle City Attorney has impermissibly exploited
11 a court rule—Criminal Rule for Courts of Limited Jurisdiction 8.9—to constructively remove an
12 elected judge.
13

14 1.8 In employing this nondiscretionary directive in every case, and thus stripping
15 individual prosecuting attorneys from their duty to exercise professional judgment when
16 prosecuting misdemeanor criminal cases, the Seattle City Attorney’s Affidavit Policy violates the
17 mandate of prosecutorial discretion.
18

19 1.9 The Seattle City Attorney’s mandatory Affidavit Policy has thwarted the will of the
20 voters who elected Judge Vaddadi, leaving voters with no recourse absent bringing this lawsuit.
21

22 **II. PARTIES**

23 **Washington Community Alliance**

24 2.1 Plaintiff Washington Community Alliance (“WCA”) is a non-profit, non-partisan
25 statewide coalition working to close the representation gap for people of color in every level of
26 elected office in Washington State.
27

1 2.2 WCA aims to build a multiracial democracy in Washington in order to achieve
2 justice and equity.

3 2.3 WCA works to create a just and equitable democracy for communities of color and
4 working-class communities in Washington State to thrive. Toward that end, WCA is dedicated to
5 building a more representative democracy in Washington that ensures people of color have their
6 voices heard and their votes counted. WCA aims to uphold the democratic process by building a
7 multiracial democracy that reflects the demographics of Washington. For WCA, this is the only
8 context to achieving justice and equity in our democracy.
9

10 2.4 WCA works to build power and capacity for people of color to run for public office
11 in Washington State. WCA fights to overhaul outdated approaches to the democratic process that
12 historically excluded or marginalized people of color.
13

14 2.5 WCA's work is non-partisan and focused on increasing turnout in communities of
15 color. WCA does not support or oppose individual candidates and WCA's get out the vote efforts
16 are based on nonpartisan strategies.

17 2.6 WCA consists of approximately 90 membership organizations across Washington.
18 Over 10 of WCA's member organizations work exclusively in Seattle on issues that impact Seattle
19 residents. Many more of WCA's member organizations work on issues in King County that impact
20 Seattle residents.
21

22 2.7 WCA has a strong interest in ensuring that Washington's elections are fair and the
23 votes of people of color are meaningful. WCA is deeply concerned that the Seattle City Attorney's
24 use of a blanket affidavit policy usurps the will of the voters who elected Judge Vaddadi to serve
25 on the Seattle Municipal Court Bench. The City's Affidavit Policy undermines the democratic
26 process by undoing a valid election where the people of Seattle elected Judge Vaddadi, a first-time
27

1 elected judge and a woman of color, to hear matters in Seattle Municipal Court.

2 2.8 WCA is headquartered in Seattle, Washington.

3 2.9 WCA operates under the laws of Washington State and is a taxpayer in Washington
4 State.

5 **Individual Taxpayers**

6 2.10 **Plaintiff William Hummel** is a resident of Seattle and a taxpayer in Washington
7 State.

8 2.11 Plaintiff Hummel has voted consistently since he was 18 years old. He has voted in
9 nearly every City of Seattle election since moving to Seattle in 2019.

10 2.12 Plaintiff Hummel believes that voting is integral to the democratic process and the
11 right to self-determination.

12 2.13 As a Seattle resident and voter, Plaintiff Hummel is harmed by the Seattle City
13 Attorney's Affidavit Policy because it has prevented Judge Vaddadi from performing the judicial
14 function she was elected to do, which impedes Plaintiff Hummel from determining whether to vote
15 for Judge Vaddadi in the future because he will be unable to assess Judge Vaddadi's performance
16 as a judge since she has been effectively removed from the bench.

17 2.14 **Plaintiff Nicole Ó Catháin** is a resident of Seattle and a taxpayer in Washington
18 State.

19 2.15 Plaintiff Ó Catháin has voted consistently she was 18 years old. She has voted in
20 nearly every election since moving to Seattle 2018.

21 2.16 Plaintiff Ó Catháin is a veteran of the United States Marine Corps. Plaintiff Ó
22 Catháin served as a Marine because she wanted to fight for democracy. Plaintiff Ó Catháin was
23 honorably discharged in 2013.

1 2.17 After leaving the military, Plaintiff Ó Catháin continued her commitment to
2 democracy by vigorously advocating for the rights of her community, including engaging in
3 advocacy opposing the 2017 prohibition of transgender people serving in the military.

4 2.18 Plaintiff Ó Catháin believes that the Seattle City Attorney’s mandatory policy
5 directing all prosecuting attorneys to disqualify Judge Vaddadi is dangerous for democracy and
6 undermines the will of the Seattle voters who cast their ballots to make their voices heard.

7 2.19 As a Seattle resident and voter, Plaintiff Ó Catháin is harmed by the Seattle City
8 Attorney’s Affidavit Policy because it undermines the democratic will of the voters.

9 2.20 **Plaintiff Michael Sobel** is a resident of Seattle and a taxpayer in Washington State.

10 2.21 Plaintiff Sobel has voted consistently since he was 18 years old. He has voted in
11 nearly every election since moving to Seattle in 2001.

12 2.22 Plaintiff Sobel votes because he believes it is the duty of every citizen to participate
13 in choosing our government.

14 2.23 Plaintiff Sobel volunteered for Judge Vaddadi’s campaign through participating in
15 door-to-door canvassing shortly before the 2022 election. Plaintiff Sobel supported Judge Vaddadi
16 because he believed she would bring a fresh, new perspective to the bench and he agreed with her
17 critical analysis of traditional law and order ideals.

18 2.24 Plaintiff Sobel voted for Judge Vaddadi in the 2022 election.

19 2.25 When Plaintiff Sobel first read about the City Attorney’s Affidavit Policy in the
20 news, he was upset and disappointed because he believes that the City Attorney is countermanding
21 the public voice.

22 2.26 Plaintiff Sobel is harmed by the City Attorney’s Affidavit Policy because Judge
23 Vaddadi was elected not only with his vote, but by a wide margin of the Seattle voters.

1 **Plaintiffs Presented the Claims to the Attorney General**

2 2.27 On October 23, 2024, Plaintiffs, through counsel, made a demand upon Attorney
3 General Bob Ferguson to investigate the violation arising from the Seattle City Attorney’s
4 Affidavit Policy. *See* Exhibit B. On October 24, 2024, Attorney General Ferguson declined to
5 investigate and initiate legal proceedings. *See* Exhibit C.
6

7 **Defendants**

8 2.28 Defendant City of Seattle is a municipality and a political subdivision of the State
9 of Washington.

10 2.29 Defendant Seattle City Attorney’s Office—also referred to in the City Charter as
11 the Law Department—is a branch of the Seattle municipal government.

12 2.30 Defendant Ann Davison is the Seattle City Attorney.

13 2.31 Defendant Scott Lindsay is the Deputy Seattle City Attorney.

14 2.32 Defendant Fred Wist II is the Criminal Division Chief of the Seattle City Attorney’s
15 Office.
16

17 **III. JURISDICTION AND VENUE**

18 3.1 The Court has jurisdiction of this matter pursuant to RCW 2.08.010.

19 3.2 The Court has authority to issue declaratory judgment in this matter pursuant to
20 RCW 7.24.010, RCW 7.24.020, and RCW 7.24.050 (Uniform Declaratory Judgments Act).
21

22 3.3 The Court has authority to issue an injunction in this matter pursuant to RCW
23 7.40.010.

24 3.4 Venue is proper in this Court pursuant to RCW 4.12.020 because this action is
25 brought against public officers for acts done by them in virtue of their public officer in Seattle,
26 King County, Washington.
27

1 **IV. FACTS**

2 4.1 Seattle Municipal Court is a court of limited jurisdiction that is, foremost, a
3 misdemeanor criminal court.

4 4.2 Seattle Municipal Court is authorized to adjudicate criminal actions authorized
5 under the Seattle Municipal Code. All criminal cases prosecuted in Seattle Municipal Court are
6 misdemeanor offenses.

7 4.3 Seattle Municipal Court is comprised of seven elected judges, each of whom serves
8 a four-year term.

9 4.4 Each elected judge oversees one of Seattle Municipal Court’s seven judicial
10 departments.

11 4.5 The primary responsibility of each elected judge is to adjudicate misdemeanor
12 criminal cases filed by the Seattle City Attorney.

13 4.6 The Seattle City Attorney, Ann Davison, has the exclusive authority to prosecute
14 misdemeanor crimes in Seattle Municipal Court.

15 4.7 The Seattle City Attorney is an elected official who serves a four-year term.

16 4.8 In 2022, Pooja Vaddadi was elected for Seattle Municipal Court Judge Position 3.

17 4.9 Judge Vaddadi, a woman of color and former public defender, ran a contested
18 campaign against Judge Adam Eisenberg, an incumbent judge who served on the Seattle Municipal
19 Court bench since 2017.

20 4.10 Judge Vaddadi prevailed in her campaign, winning 61% of the votes as compared
21 to Judge Eisenberg’s 37%.

22 4.11 Judge Vaddadi’s tenure in Seattle Municipal Court started on January 9, 2023.

23 4.12 In February of 2024, the Seattle City Attorney’s Office announced a mandatory
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1 policy directing city prosecutors to file an “affidavit for disqualification of judge” against Judge
2 Vaddadi in all criminal cases.

3 4.13 Thereafter, individual city prosecutors, stripped of their ability to exercise
4 independent judgment on a case-by-case basis, followed the City Attorney’s mandate and filed
5 affidavits removing Judge Vaddadi from every criminal case in Seattle Municipal Court.
6

7 4.14 Deployment of the City Attorney’s Affidavit Policy accomplished its desired effect:
8 Judge Vaddadi was removed from hearing criminal cases in Seattle Municipal Court.

9 4.15 Judge Vaddadi has been constructively removed from the bench and reassigned to
10 hearing civil infractions—mostly traffic tickets—a function typically reserved for magistrate
11 judges not elected judges.
12

13 4.16 Despite rarely disqualifying judges on non-criminal traffic infractions, the Seattle
14 City Attorney recently filed an affidavit of prejudice to remove Judge Vaddadi from one traffic
15 infraction case—a second degree negligent driving citation issued to Seattle Police Officer Kevin
16 Dave. The City issued the citation to Officer Dave after he struck and killed a Jaahnavi Kandula,
17 a 23-year-old student who was crossing the street in a crosswalk, while he was driving 74 miles
18 per hour in a 25 miles per hour zone.
19

20 **V. CAUSE OF ACTION: DECLARATORY JUDGMENT**

21 5.1 Prosecuting attorneys are required to exercise individual professional judgment
22 when discharging their prosecutorial power.

23 5.2 A policy that directs a prosecuting attorney to follow a “fixed formula which
24 requires a particular action in every case . . . constitutes an abuse of the discretionary power lodged
25 in the prosecuting attorney.” *State v. Pettitt*, 93 Wn.2d 288, 296, 609 P.2d 1364 (1980).
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3 *Attorneys for Plaintiff*
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EXHIBIT A



Seattle
City Attorney's Office

Ann Davison, City Attorney

MEMORANDUM

TO: Criminal Division

FROM: Natalie Walton-Anderson, Criminal Division Chief

SUBJECT: Affidavits of prejudice for Judge Vaddadi on all criminal cases

DATE: February 27, 2024

For the past several months, we have internally discussed the criminal division's serious concerns with the conduct and rulings of Judge Pooja Vaddadi. Unfortunately, as outlined below, those concerns have only continued to mount in the past several months. As a result, I have made the difficult decision that the office will submit affidavits of prejudice for Judge Vaddadi on all criminal cases moving forward.

All parties have the legal right to file an affidavit of prejudice to disqualify a judge on criminal cases if the party believes that it cannot receive a fair hearing or trial. Having a fair and impartial judge is one of the cornerstones of our judicial system. It has come to a point where Judge Vaddadi's continued rulings prevent the city from receiving fair hearings and trials, and this action is therefore necessary to protect those rights and the rights of those affected by our inability to ensure fair and equitable hearings. The reasons for this decision, along with some examples, are set forth below.

First, Judge Vaddadi has routinely overruled prior findings of probable cause by her fellow judges, and repeatedly failed to find probable cause in situations where clearly probable cause exists. In one instance, she failed to find probable cause for the crime of assault when the suspect threatened a victim with a realistic (though ultimately fake) handgun, based on her belief that there was no alleged touching or contact between the parties. Her misunderstanding is in direct conflict with the legal definition of assault and long-standing case law and widely accepted jury instructions.

Second, equally problematic are her rulings related to public safety in Domestic Violence and DUI cases. In many instances, Judge Vaddadi has refused to issue written No Contact Orders, even in situations with a demonstrated history of domestic violence. Another example involved her releasing an individual from jail, despite the fact that the individual had been arrested twice for DUI within a week and was in recent years convicted of DUI as well.

Third, Judge Vaddadi frequently makes erroneous evidentiary rulings for unjustified reasons, rather than articulating any legal analysis. She routinely raises arguments on behalf of

defendants without prompting or argument from their own attorneys. The resounding input from attorneys that have appeared in her courtroom believe that her decisions demonstrate a complete lack of understanding, or perhaps even intentional disregard, of the evidence rules, even on basic issues.

Lastly, Judge Vaddadi does not show appropriate deference to court orders, and often in circumstances where the goal is to monitor DUI and DV offenders to ensure they participate in treatment. In one recent case, Judge Vaddadi ruled that a defendant was in substantial compliance with treatment and dismissed the case, even though it was clear that the defendant never got on the transport van to ABHS to fulfill his residential treatment requirement that was part of his dispositional continuance. Not requiring offenders to follow through with their treatment obligations does not mitigate the likelihood of future criminal behavior or protect the public.

I have immense respect for the members of the Seattle Municipal Court bench, and as prosecutors we should all show great restraint when expressing concerns about the decisions made by our elected judges. However, judges also have a responsibility to set aside their personal feelings and follow the law, and their rulings must demonstrate equal fairness to both individuals charged with a crime and those, our victims and survivors, who are affected by it.

Earlier this afternoon, I informed Judge Vaddadi and the Presiding Judge of this decision, and I want each of you to understand the reasons for taking this unusual action. I will provide you with more information about how the court will address this matter, and what actions we will need to take on our individual cases, tomorrow. Please contact me or your supervisors if you have any questions.

EXHIBIT B

SENT VIA ELECTRONIC MAIL

October 23, 2024

Robert Ferguson, Washington State Attorney General
Noah Purcell, Solicitor General for the Washington State Attorney
General's Office
PO Box 40100
Olympia, WA 98504



Washington

PO Box 2728
Seattle, WA 98111
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Sherri Nichols
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John Midgley
Of Counsel

Taryn Darling
Senior Staff Attorney

Adrien Leavitt
Brent Low
David Montes
Jonathan Nomamiukor
Staff Attorneys

Tracie Hooper Wells
Paralegal

Re: Taxpayer Request for Action—Response Needed by October 28

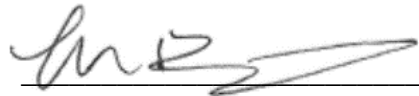
Dear Attorney General Ferguson and Solicitor General Purcell:

The ACLU of Washington represents three residents and taxpayers of Washington State who seek declaratory and injunctive relief against the City of Seattle to address the Seattle City Attorney's unlawful policy that constructively removed an elected judge from the bench. As a prerequisite for suing on behalf of our clients, and as outlined in *State ex rel. Boyles v. Whatcom Cnty. Superior Court*, 103 Wn.2d 610, 694 P.2d 27 (1985), we request that you bring suit on behalf of Washington State taxpayers to obtain this relief. We request that you advise us as soon as possible, and in any event no later than **Monday, October 28, 2024**, whether you will file suit to redress the infirmities described below.

Judge Pooja Vaddadi was duly elected by Seattle voters to serve as a judge in Seattle Municipal Court. Seattle Municipal Court's primary function is adjudicating misdemeanor criminal cases. After winning her contested election by nearly 70,000 votes, Judge Vaddadi's ability to preside over criminal misdemeanor matters in the Seattle Municipal Court was hamstrung by the City Attorney's misuse of a procedure rule to effectively remove her from hearing all criminal cases. In March of this year, the Seattle City Attorney announced a policy that mandates all Deputy City Prosecutors file an affidavit of prejudice against Judge Vaddadi in all criminal proceedings. In doing so, the Seattle City Attorney ensured that Judge Vaddadi is disqualified from presiding over any criminal case filed in Seattle Municipal Court. We are concerned that this policy constitutes an unlawful abuse of prosecutorial discretion pursuant to *State v. Pettit*, 93 Wn.2d 288, 296, 609 P.2d 1364 (1980).

Because of the critical interests at stake, we request that you advise us as soon as possible, and no later than **Monday, October 28, 2024**, whether you will file suit to redress this unlawful policy. Barring any positive response by October 28, we intend to file a taxpayer lawsuit against the City of Seattle seeking declaratory and injunctive relief that the Seattle City Attorney's affidavit policy constitutes an abuse of

prosecutorial discretion. The taxpayer claims will likely be alleged alongside claims of an organizational plaintiff.

A handwritten signature in black ink, appearing to read 'LRB', is written over a horizontal line.

La Rond Baker, Legal Director
Adrien Leavitt, Staff Attorney
Jonathan Nomamiukor, Staff Attorney
American Civil Liberties Union of Washington

EXHIBIT C



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Administration Division
PO Box 40100 • Olympia, WA 98504-0100 • (360) 753-6200

October 24, 2024

Sent via electronic mail

La Rond Baker, Legal Director
Adrien Leavitt, Staff Attorney
Jonathan Nomamiukor, Staff Attorney
American Civil Liberties Union of Washington
PO Box 2728
Seattle, WA 98111

RE: Response to Taxpayer Request for Action

Dear Ms. Baker, et al.:

I am responding to your letter of October 23, 2024, concerning a lawsuit you anticipate filing against the City of Seattle regarding what you describe as a “policy that mandates all Deputy City Prosecutors file an affidavit of prejudice against Judge Vaddadi in all criminal proceedings.” As a prerequisite to asserting taxpayer standing, you ask whether our office will bring suit on behalf of Washington State taxpayers to “redress the infirmities” described in your letter.

We consider litigation at the request of taxpayers in appropriate situations. In this instance, we decline to take the actions you request, but do so without expressing any view as to whether your claims may have potential merit. To the extent your request is made as a prerequisite to asserting taxpayer standing, please understand that this letter expresses no view as to whether the requirements for taxpayer standing would be met.

I trust that this information will be helpful.

Sincerely,

Alicia O. Young
Deputy Solicitor General